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A COMPENDIUM
OF
ECCLESIASTICAL HISTORY,

BY

DR JOHN C. L. GIESELER,

CONSISTORAL COUNSELLOR AND ORDINARY PROFESSOR OF THEOLOGY IN GÖTTINGEN.

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FOURTH EDITION REVISED AND AMENDED.  
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TRANSLATED FROM THE GERMAN,

BY THE

REV. JOHN WINSTANLEY HULL, M.A.,

INCUMBENT OF ST MICHAEL'S, GRIMSARGH.

VOLUME III.

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PREFACE

THE sixteen years which have elapsed, since the appearance of the First Edition of the Volume here presented to the Public, have been so uneventfully rich in the production of materials, and in encouragement to further research into this period also, which we have been so hard, that a new and thoroughly revised edition may so be expected from you. There will everywhere be found that the Volume here presented has undergone such revision. If the reader is not satisfied at should it properly, any indignation (the same as I have observed to find place for the new matter, by cancelling the expression, and by modifying much that was written in the original edition. Two new paragraphs are

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of the Church, and of the Colind-guilds. While I mention the latter, I cannot but be expressing my admiration, that, although in an almost dead they are not so, but with in Northern Germany, they have never yet been made the subject of any general historical representation, showing us their origin and their character; great as is the number of records of separate Colind-guilds, which are mostly occupied with their external description.

The last thirty years constitute a period richer in historical lore than any that has ever been as yet. A vast number of sources of history have been drawn forth from concealment, or found in a simpler form. Familiar legends have thrown a new light on dark questions. Upon almost all portions of history we have received books, which are remarkable for thorough investigation, thus full of a mass of interesting representation. If the record of scientific activity in the cause of history, more now is

P R E F A C E.

THE sixteen years which have elapsed, since the appearance of the Third Edition of the Volume here presented to the Public, have been so uncommonly rich in the production of materials, and in encouragement to further researches into this period also which we have here in hand, that a new and thoroughly revised edition may well be expected from me. Traces will everywhere be found, that the Volume here presented has undergone such revision. If the increase in the number of sheets is proportionately insignificant (this edition is only two sheets thicker than the former); the reason is this, that I have laboured to find place for the new matter, by curtailing the expression, and by omitting much that was superfluous, particularly in the quotations. Two new paragraphs are added, § 81. on Art employed in the service of the Church, and § 82. on the Caland-guilds. While I mention the latter, I cannot forbear from expressing my astonishment, that, although in an altered form they are still so often met with in Northern Germany, they have never yet been made the subject of any general historical representation, entering into their origin and their character; great as is the number of accounts of separate Caland-guilds, which are mostly occupied with their external description.

The last thirty years constitute a period richer in historic lore than any that has ever been as yet. A vast number of sources of history have been drawn forth from concealment, or issued in a simpler form. Countless treatises have thrown a new light on dark questions. Upon almost all portions of history we have received works, which are remarkable for thorough investigation, views full of genius, or interesting representation. If this period of scientific activity in the cause of history, seems now to

be brought to a close, the question arises, whether the reason lies only in outward circumstances, or also in the fact, that the interest felt among our people in history, has been weakened by the powerful agitations of this year. It is an unmistakeable truth, that a portion of the men of the day, who have taken the most active part in the late agitations, appear to have broken away from history altogether, and to wish to shut their eyes to any development connecting present events with the history of the past. Just as though all that has been hitherto established had forfeited its claim to endure; as though their object were now to build anew from the foundation, upon a ground completely levelled, without any regard to the building which stood there before. In all history, the history of the French revolution alone seems to be recognized by them as their guide from step to step in their career.

However the impulse of a small party must not be mistaken for the actual opinion of the German nation, though every artifice be tried to represent it as such. No German race desires to break entirely with its history. Great indeed would be the misfortune, if a party were to succeed in interrupting the natural development of events by an arbitrary constitution. It would stand without root in the people. The handiwork of one party would quickly be dislodged by that of another; and Germany would be plunged into a whirlpool of change, continually stirring up the very depths of society.

This is true in a political, true also in an ecclesiastical point of view. But artificial creation in the room of natural development, is even almost more dangerous on ecclesiastical, than on political ground: because Church interests are bound up in a closer reciprocal relation with the inmost feelings of the people, its religion and its morality. For this reason it appears to me of more weighty importance, that here there should be no precipitation; that even necessary alterations in the constitution of the Church should be delayed, until the political balance of the country be more firmly established, and in consequence men's minds be again recovered to a calmer and more collected state.

We cannot overlook the fact, that the existing oppositions to the Church, the palæologian as well as the neologian, have grown up in open warfare with the old State: that for this very reason

the political opposition, because it could not otherwise be brought into operation, has once and again had recourse to them : but that in consequence of this the church-oppositions also have imbibed peculiar ingredients, which may well unfit them for unbiassed deliberations, aiming only to advance the interests of the Church ; these however must gradually vanish, so soon as the enmity against the State disappear, and the purely political opposition, which has now obtained a free platform of its own, be withdrawn.

Besides the truth should not be disguised, that times of agitation in which ideas of a thousand different shapes have been cast into the midst of the ecclesiastical community, but have hardly yet been clearly ascertained with regard to their reasons, or their nature and value ; times, in which the people has indeed arrived at the perception of its want, but not at its clear recognition or true expression, and in which parties are seeking to vindicate their own struggles as the people's will : that such times are not adapted to great mixt assemblages, in which deeply penetrating alterations in ecclesiastical institutions and relations should be brought under deliberation. Again ecclesiastical deliberations require above all others, calm and dispassionate thoughtfulness : it is equally disadvantageous, when on such occasions party determinations are past into law by agitation or by talent, as when a practical juste milieu fails to be attained by means of reciprocal limitations and concessions.

But in all such deliberations and determinations hereafter to be expected, history must not be disregarded as teacher and guide. She completes the short experience of life in the individual ; she displays the development of events down to the present time ; she points out the effects of true and false attempts at this ; and teaches how to distinguish the natural growth from the artificial creation ; in fine she furnishes courage and hope in adversity, foresight and lowliness in prosperity. Aye and all this is necessary for us, for the knot in our development at which we have arrived, holds twisted together the most various threads. May the good unite to form a fair and enduring texture, and the bad be consigned to History, and therein to condemnation.

DR GIESELER.

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N.B.—It is intended to continue the Translation of this Work at least to the time of the Reformation; this will occupy two additional Volumes—a full general Index will then be given to the five Volumes.

THIRD PERIOD.

DIVISION III.

FROM GREGORY VII. TO THE REMOVAL OF THE PAPAL SEE TO
FRANCE. FROM 1073—1305.

PRINCIPAL SOURCES.

- I. Latin Authors: Marianus Scotus, Lambertus Hersfeldensis. Sigebertus Gemblac. and Bernoldus, the continuer of the Hermannus Contractus (see before Div. ii.).—Ekkehardus Uraugiensis (Abbot of Aurach, Wurtzburg), *chronica* down to 1125 (ed. G. Waitz in Pertz viii., 1).—Otto, Bishop of Freisingen († 1158. *Chron. rerum ab. init. mundi usque ad annum 1146 gestarum libb. viii.* to which are annexed libb. ii. *de gestis Frid. I.* down to 1156, with continuations by Radevicus, Canon. in Freisingen 1160, and an anonymous author, to 1170. There is a good continuation of the *Chron.* from 1146—1209 by Otto de S. Blasio. Collected in *Chr. Urstisii historic. Germ. i. 1.* The libb. ii. *de gest Frid.* with Radewich's continuation, are more correctly given in *Muratori scriptt. rer. Ital. vi. 633*; and Otto de St Blasio is best published in *monumentis res Allemann. illustrant. ed. Ussermann. ii. 449.* On the value of Otto's v. Freisingen historical works see Schumacher's *Beiträge zur deutschen Reichshistorie*, Eisenach 1770, 4. S. 1. ff).—*Chronica regia S. Pantaleonis* (composed in the monastery of St Pantaleon at Cologne, at three different periods, namely, in the year 1000, 1106 (so far almost entirely copied from Ekkehardus) and 1162, in Eccardi *corpus historic. med. ævi i.*, 683; continued down to 1237 by Godefridus Mon. Pantal. in *Freheri scriptt. rer. Germ. ed Struve i.*, 335).—*Annalista Saxo* (from 741 to 1139, ed. G. Waitz in Pertz viii., 542), according to Waitz, an ecclesiastic of Halberstadt, a compiler, see Stenzels *Gesch. Deutschland's unter d. fränk. Kaisern*, ii. 110).—*Chronicon Urspergense* (the first part down to 1125 is Ekkehardi *chron.*, the continuation by the two abbots of Auersberg, Burcard down to 1226, and Conrad of Lichtenau to 1229. The whole was formerly called after the last named. Aug. Strasburg, 1537, 1540, and 1609 fol. See Schumacher s. 38. Stenzel ii., 106). Albericus, monk at Drübeck (*Trium fontium*) in the neighbourhood of Liege (*chron. ab orbe cond. usque ad ann. 1241* ed. Guil.

Leibnitiuss in Accessionibus histor. T. ii. Hanov. 1698. 4. Emendations in B. Menckenii scriptt. rer. Germ. i. 37.)—Vincentius Bellovacensis, a Dominican in Royemont († 1264. Speculum historiale libb. xxxii. Argentor. 1473. iv. voll. fol. Aug. Vindel. 1474. iii. voll. fol.)—Albertus Stadensis (Benedictine Abbot in Stade, after 1240 a Franciscan. Chron. ab orbe cond. usque ad ann. 1256. ed. Reinerus Reineccius. Helmst. 1587. 4. and in Schilteri scriptt. rer. Germ. p. 123 ss. Lectt. variantes, emendationes et supplementa in Haebelin analectis mediæ ævi p. 607).—Matthæus Paris, Benedictine at St Alban's († 1259 Historia major) ab ann 1066—1259, with a continuation by Wilh. Rishanger in 1273, ed. Guil. Wats. London 1640 and 1684 fol.)—Martinus Polonus, Archbishop of Gnesen († 1278, Chronicon down to 1277 ed. Herold, Basil. 1559 and J. Fabricius Cæsar. Colon. 1616. fol. There is a continuation down to 1343 in J. G. Eccardi corp. scriptt. mediæ ævi i. 1413.)

For Church History specially, Ordericus Vitalis, Benedictine in the monastery of St Evroul in Ouche († after 1141. Histor. eccles. libb. xiii., down to 1141, in A. du Chesne scriptt. Normann. Paris, 1619 fol. p. 319 ss., translated into French from a better text by Louis Dubois, Paris 1825—27. 4 voll. 8. On this see Lappenberg Gesh. v. England ii., 378).—Ptolomæus de Fiadonibus from Lucca, a Dominican, Bishop of Torcello († 1327, Hist. Eccles. libb. xxiv. down to 1316 in Muratorii scriptt. rer. Ital. xi. 741).

- II. Byzantine Authors : Joh. Zonaras (at the head of Div. i.) after whom follow close : Nicetas Choniates (from 1117 to 1206), Georgius Acropolita (from 1204 to 1261), Georgius Pachymeres (from 1258 to 1308).

FIRST CHAPTER.

HISTORY OF THE PAPACY.

Sources : Besides individual Biographies, there are the Collections of Lives of the Popes by Pandulphus Pisanus Card. (about 1184, from Gregory VII. down to Alexander III.), Bernardus Guido, a French Dominican, afterwards

a. Opinion of Baronius ad ann. 996 no. 63 : Matthæus Paris quam fuerit animo infensissimo in apostolicam sedem quivis facile poterit intelligere (nisi probra illa fuerint additamenta potius ejus qui edidit Novatoris, haeretici hominis, cum peculiare sit illis, libros quos potuerint depravare).—Cum liber iste indignus luce a majoribus judicatus, occultatus lateret in angulo ; his ipsis temporibus nostris, magno praeconio tanquam praevia face, emersit in lucem anno MDLXXI. A quo libro si quis demat calumnias, invectivas, dicacitates et blasphemias in apostolicam sedem frequenter iteratas, aureum sane dixerit commentarium, utpote quod ex publicis monumentis, totidem verbis redditus (ut dictum est) egregie contextum et coagmentatum inveniat. The suspicion repeated by Bellarmin also, and yet more distinctly stated by J. B. Gollerius (Act. SS. August 1, 451) has died away of itself since manuscripts have been found elsewhere.

Bishop of Lodeve († 1331, from Victor III. to John XXII.), and Nicolaus Rosselius, Arragonius Card. (about 1356, derived from Cencii Camerarii, i. e. Honoriu III. liber censuum camerae apost. see Pertz in the *Archiv d. Gesellsch. für deutsche Geschichtsk.* x. 97), collectively in *Muratorii scriptt rer. Ital.* III., i. 273. Afterwards by Amalricus Augerii, a French Augustine monk (about 1365, *Actus Pontiff. Roman.* from Peter to John XXII., or 1321, important on Innocent III., in *Eccardi corp. historic. med. æv.* ii. 1641, and *Muratori l. c.* III. ii.).

Works : Planck IV. i. 93. Schmidt's K.G. Th. vi. and vii. (the last by F. W. Rettberg). Neander V. i. 105.

1. POLITICAL DEVELOPMENT OF THE PAPACY.

§ 47.

GREGORY VII. (1073–1085.)

Special sources : I. Documents : *Gregorii VII. registri s. epistolarum libb.* xi. (the tenth is missing) in *Mansi* xx. p. 60 ss. There are many letters which belong to this head in *Udalrici Babenbergensis codex epistolaris* (collected about 1125) in *Eccardi corpus historic. medii. ævi.* t. ii. p. i ss. —II. Notices of contemporaries in favour of Gregory are published specially by the Jesuit Jac. Gretzer, and in his *vetera monumenta contra schismaticos jam olim pro Gregorio VII. conscripta et nunc primum in lucem vindicata studio, Seb. Tegnagel, Ingoldstadii, 1612*, 4 (united in *Gretseri Opp.* t. vi.), against him by Melch. Goldast (*apologiae pro Imp. Henrico IV. adv. Gregorii VII. impias criminationes, recensitae studio M. Goldasti, Hanoviae 1611*, 4), in connexion with polemical writings. 1. Hostile to Gregory : Benno (Cardinal), *de vita et gestis Hildebrandi*, p. libb. ii. in Goldast, p. 1.—Otbertus (bishop of Liege about 1106), *de vita et obitu Henrici IV.* in Goldast, p. 204.—Benzo (Bishop of Alba), *panegyricus rythmicus in Henricum III. Imp.* in *Mencken scriptt. rer. Germ.* i. 957, and *J. P. de Ludwig reliquiae manuscriptt.* ix., 217. 2. In defence of Gregory : Paulus Bernriedensis (canon at Ratisbon, afterwards in the monastery of Bernried), *de vita Greg. VII.*, in *Gretser opp.* vi. 119, in *Mabillon act. ss. ord. Bened. saec. vii., ii.*, 403, and in *Murator. scriptt. rer. It.* iii., i., 314.—Bonizo lib. *ad amicum in Oefelii scriptt. rerum Boicarum* ii. 794. (See on this head part i. § 22, note 33.)—Besides Bruno (clerk in Mersburg), *hist. belli Saxonici* (written 1082), in *Pertz monum.* vii., 327. General review of the sources in *Stenzel's Gesch. Deutschlands unter den fränkischen Kaisern* ii. 55. *Das Zeitalter Hildebrands für und gegen ihn, aus zeitgleichen Quellen*, von G. Cassander, Darmstadt 1842. (But compare *Berliner literar. Zeitung*, 1842, s. 1084.)

¹ He appears not to have fallen away from Gregory till after 1081, Cassander s. 75. He is falsely called Bruno in *Schröckb.* xxv. 531, &c., after a mistake in *chron. Ursperg.* ad ann. 1079.

Works: Joh. Voigt Hildebrand als Gregor. VII. und sein Zeitalter, 2e Aufl. Weimar 1846. J. M. Sötl Heinrich der Vierte Münch 1823. Dess. Gregor. VII. Leipz. 1847. Schlosser's Weltgesch. II., ii., 694. Stenzel's Gesch. Deutschlands unter den fränk. Kaisern. i. 274.

THROUGH Gregory VII. the ideas, hitherto for the most part undeveloped, of the supremacy of the Pope over the Church, and of the Church over the State,² first assumed the shape of a

² Especially Gregor. lib. iv. epist. 2, ad Hierimannum Episc. Metensem, in the year 1076: ubi Deus b. Petro principaliter dedit potestatem ligandi et solvendi in caelo et in terra (Matth. xvi. 19), nullum excepit, nihil ab ejus potestate subtraxit. Nam qui se negat, non posse Ecclesiae vinculo alligari, restat. ut neget non posse ab ejus potestate absolvi. Et qui hoc impudenter negat, se a Christo omnino sequestrat. Quod si s. sedes apostolica divinitus sibi collata principali potestate spiritualia decernens dijudicat, cur non et saecularia? etc.—lib. viii. epist. 21, ad eundem in the year 1081: itane dignitas (regalis) a saecularibus etiam Deum ignorantibus inventa non subjicietur ei dignitati (sacerdotali), quam omnipotentis Dei providentia ad honorem suum invenit, mundoque misericorditer tribuit? cujus Filius, sicut Deus et homo indubitanter creditur, ita summus sacerdos caput omnium sacerdotum ad dexteram Patris sedens, et pro nobis semper interpellans habetur: qui saeculare regnum, unde saeculi filii tument, despexit, et ad sacerdotium crucis spontaneus venit. Quis nesciat, reges et duces ab iis habuisse principium, qui Deum ignorantes, superbia, rapinis, perfidia, homicidiis, postremo universis paene sceleribus, mundi principe diabolo videlicet agitante, super pares, scilicet homines, dominari caeca cupiditate et intolerabili praesumptione affectaverunt?—Quis dubitet, sacerdotes Christi regum et principum omniumque fidelium patres et magistros censi? Nonne miserabilis insaniae esse cognoscitur, si filius patrem, discipulus magistrum sibi conetur subjugare: et iniquis obligationibus illum potestati suae subjicere, a quo credit non solum in terra, sed etiam in caelis se ligari posse et solvi? There are notices of Gregory the Great and Gelasius in Part i., § 24, note 17.—Talibus ergo institutis, talibusque fulti auctoritatibus plerique Pontificum alii Reges, alii Imperatores excommunicaverunt. Thus Innocentius excommunicated Arcadius for consenting that S. John Chrysostom should be banished from his see. Vol. i., Part 2, § 85, note 13. Alius item Romanum Pontifex, Zacharias videlicet, Regem Francorum non tam pro suis iniquitatibus, quam eo, quod tantae potestati non erat utilis, a regno deposuit, et Pippinum—in ejus loco substituit, omnesque Francigenas a juramento fidelitatis, quod illi fecerant, absolvit. Part i., § 5, note 9.) Then there is an appeal to Ambrose (vol. i. part 2, § 91, note 3) and the work imputed to him, De Dignitate Sacerdot (Sec Part 1, § 24, note 17.) A proof worth reading of the argument, and examples to which Gregory here appeals is to be found in D. Blondellus de formulae Regnante Christo in veterum monumentis usu. Amstelod. 1646, 4, p. 155, ss. The disdain of secular power here

perfectly organized system, with a sphere of much wider extent than that set forth by the Pseudo-Isidore. In the so-called *Dictatus Gregorii VII.*³ this is briefly portrayed;

expressed was inbred in the Papacy. See Part 1, § 21, note 12 and 29.—Gregor. lib. vii., epist. 25, ad Guilelm. Reg. Angl. in the year 1080: *Credimus prudentiam vestram non latere, omnibus aliis excellentiores apostolicam et regiam dignitates huic mundo ad ejus regimina omnipotentem Deum distribuisse. Sicut enim ad mundi pulchritudinem oculis carneis diversis temporibus repraesentandam solem et lunam omnibus aliis eminentiora disposuit luminaria; sic, ne creatura, quam sui benignitas ad imaginem suam in hoc mundo creaverat, in erronea et mortifera traheretur pericula, providit in (leg. ut) apostolica et regia dignitate per diversa regeretur officia. Qua (leg. Quas) tamen majoritatis et minoritatis distantia religio sic se movet (leg. semovet) christiana, ut cura et dispensatione apostolicae dignitatis post Deum gubernetur regia.*

³ *Dictatus Papae* at the end of lib. ii., epist. 55: 1. Quod Romana Ecclesia a solo Domino sit fundata. 2. Quod solus Romanus Pontifex jure dicatur universalis. 3. Quod ille solus possit deponere Episcopos vel reconciliare. 4. Quod legatus ejus omnibus Episcopis praesit in concilio, etiam inferioris gradus, et adversus eos sententiam depositionis possit dare. 5. Quod absentes Papa possit deponere. 6. Quod cum excommunicatis ab illo, inter caetera, nec in eadem domo debemus manere. 7. Quod illi soli licet pro temporis necessitate novas leges condere, novas plebes congregare, de canonica abbatium facere et contra, divitem episcopatum dividere, et inopes unire. 8. Quod solus possit uti imperialibus insigniis. 9. Quod solius Papae pedes omnes principes deosculentur. 10. Quod illius solius nomen in ecclesiis recitetur. 11. Quod unicum est nomen in mundo. 12. Quod illi liceat Imperatores deponere. 13. Quod illi liceat de sede ad sedem necessitate cogente Episcopos transmutare. 14. Quod de omni ecclesia, quacumque voluerit, clericum valeat ordinare. 15. Quod ab illo ordinatus alii ecclesiae praeesse potest, sed non militare, et quod ab aliquo Episcopo non debet superiorem gradum accipere. 16. Quod nulla synodus absque praecepto ejus debet generalis vocari. 17. Quod nullum capitulum, nullusque liber canonicus habeatur absque illius auctoritate. 18. Quod sententia illius a nullo debeat retractari, et ipse omnium solus retractare possit. 19. Quod a nemine ipse judicari debeat. 20. Quod nullus audeat condemnare apostolicam sedem appellantem. 21. Quod majores causae ejusdemque ecclesiae ad eam referri debeant. 22. Quod Romana Ecclesia nunquam erravit, nec in perpetuum, Scriptura testante, errabit. 23. Quod Romanus Pontifex, si canonicus fuerit ordinatus, meritis b. Petri indubitanter efficitur sanctus, testante s. Ennodio Papiensi Episc., ei multis ss. Patribus faventibus, sicut in decretis b. Symmachi P. continentur (see vol. i., Part 2, § 117, note 14 and 15.) 24. Quod illius praecepto et licentia subjectis liceat accusare. 25. Quod alique synodali conventu possit Episcopos deponere et reconciliare. 26. Quod catholicus non habeatur,

and opposes a rude and threatening front to monarchs.⁴ If we consider the logical deduction of this system from premises formerly adopted,⁵ and the corrupt state of the Church, which apparently may be accounted for by the disregard of its rightful constitution;⁶ we may assume that Gregory VII. was convinced

qui non concordat Romanae Ecclesiae. 27. Quod a fidelitate iniquorum subjectos potest absolvere.—Baronius ann. 1076, No. 31. Christ. Lupus in notis et dissert. ad concil. consider them to be genuine: the French authors Jo. Launoius, Epistol. lib. vi., ep. 13, Anton. Pagi crit. in Baron. l. c., and especially Natalis Alexander hist. eccl. saec. xi. et xii. Dissert. iii., doubtless with an eye to the interest of the Gallican Church, held them to be not only not genuine, but also at variance with the principles of Gregory. The later writers, according to Mosheim institt. p. 401, note f., considered them to be certainly drawn up by another hand, but to express the principles of Gregory. They appear to be an Index Capitulorum of a synod held under Gregory. Baronius, ad Martyrol. Rom. p. 22, quotes ex registro epist. Greg. vii. as a canon of a Council of Rome in the year 1075, ut Papae nomen unicum esset in universo orbe christiano, nec liceret alicui, se ipsum vel alium eo nomine appellare, compare Diet. xi.

⁴ Shortly before this time the well known privilegia Augustodunensia were probably attributed to Gregory the Great (vid Launoii opp. v. ii. 445) with the formula: si quis vero Regum, Sacerdotum, judicum, personarumque saecularium hanc constitutionis nostrae paginam agnoscens contra eam venire tentaverit, potestatis honorisque sui dignitate careat, &c. Gregory VII. betakes himself to these for the defence of his verdict against Henry IV. (lib. viii., ep. 21, ad Herimannum Metensem.) He is the first of the Popes to use them in the charters of several religious houses (for instance, privileg. monast. s. Michael in Burgo Pisarum in Cocquelines Bullarium ii. 45, and in privil. monast. Rotheronensis in Britannia ibid. p. 46.) Hence they were adopted into the style of the courts. Thus Urban II. uses them in the privil. Eccl. Atrebatensis in Mansi xx., 669, Paschal II. in the privil. monast. Cabillon, in Mansi xx., 981, &c.

⁵ Vid. Pseudosidorus, Part 1, § 20, note 4.

⁶ To this reason Gregory himself is always referring, vid. lib. i. ep. 42, ad Sicardum Aquilej. Archiep. an. 1074. Non ignorare credimus prudentiam tuam, quantis perturbationum fluctibus Ecclesia sit usquequaque concussa, et paene desolationis suae calamitatibus naufraga et submersa sit facta. Rectores enim et principes hujus mundi singuli quaerentes, quae sua sunt, non quae Jesu Christi, omni reverentia conculcata, quasi vilem ancillam opprimunt, eamque confundere, dum cupiditates suas explere valeant, nullatenus pertimescunt. Sacerdotes autem, et qui regimen Ecclesiae accepisse videntur, legem Dei fere penitus postponentes, et officii sui debitum Deo et commissis sibi ovibus subtrahentes, per ecclesiasticas dignitates ad mundanum tantum nituntur gloriam, et quae speciali dispensatione multorum utilitatibus et saluti-

of the righteousness of his cause, to which he so often appeals. Moreover, if we judge the manner and method with which he worked for this cause, only with respect to their fitness for the end in view, we cannot but pronounce them admirable. But if we regard him, not as a statesman, but in that character, which he claimed for himself alone, as the head of the Church of Christ, and as the apostle of Christian truth, we find ourselves decidedly repelled by the mere worldliness of his statesmanship. For instead of the unflinching truthfulness and universal charity, to which he must have felt himself pledged by his position, we find in him nothing but an iron will and a crafty policy determining means only by the end. Accordingly his whole policy is calculated with a view to external circumstances; and therein with regard to internal relations, we find him at one time craftily yielding and overlooking, at another obstinately steadfast, at one time advisedly scrupulous, at another rashly and extravagantly encroaching. Thus he himself subordinates his spiritual censorship to his political aims; thus he overthrows and destroys whatever will not yield to him.⁷ In

proficere debuissent, ea aut negligunt, aut infelicitè in pompa superbiae et superfluis sumtibus consumunt. Inter haec populus nullo praelatorum moderamine, nullisque mandatorum frenis in viam justitiae directus; immo eorum, qui praesunt, exemplo quaecumque noxia et quae christianae religioni sunt contraria edoctus, ad omnia paene quae nefaria sunt pròni et studio corruentes, christianum nomen, non dico absque operum observantia, sed paene absque fidei religione gerunt. Lib. ii. ep. 40, ad Hugonem Abb. Cluniacensem: Cum mentis intuitu partes occidentis, sive meridiei, aut septentrionis video; vix legales Episcopos introitu et vita, qui christianum populum Christi amore, et non saeculari ambitione regant, invenio: et inter omnes saeculares principes, qui praepoñant Dei honorem suo, et justitiam lucro, non cognosco. Eos autem, inter quos habito, Romanos videlicet, Longobardos, et Normannos, sicut saepe illis dico, Judaeis et Paganis quodammodo pejores esse redarguo. Ad me ipsum cum redeo, ita me gravatum propriae actionis pondere invenio, ut nulla remaneat spes salutis, nisi de sola misericordia Christi. Nam si non sperarem ad meliorem vitam, et utilitatem sanctae Ecclesiae venire, nullo modo Romae, in qua coactus, Deo teste, jam a viginti annis inhabitavi, remanerem.

⁷ Very characteristic is the anecdote in *Chron. Casin. iii., c. 27.* (*Muratorii Script. rer. Ital. iv., 436.*) Transmundus, abbot of the convent of Tremiti, had put out the eyes of some monks, and cut out the tongue of one, fuerant enim apud eum de rebellionem insulae a sociis insimulati. Desiderius, abbot of Casino, was much troubled at this, and had laid a heavy penance on Transmundus, when Hildebrand, then only cardinal, came thither. He ea quae Transmundus gesserat,

order to acquit this Pontiff, by whom the full character of a secular state was stampd upon the Church, even of guilty and wilful blindness, we must make allowance for an unavoidable influence of prejudices of the age on the morality even of distinguished men, to such a degree that the very nature of human morality would thus be thrown into doubt. In order to call him great, we must judge him by a standard, which he would not venture to acknowledge—the standard of political ability.⁸

While Gregory from his first accession to the see, began with new demands on the western kingdoms; because some he either already regarded as the peculiar property of the apostle Peter,⁹

omnimodis approbans, et nequaquam illum hoc crudeliter, sed strenue ac digne in malignos homines fecisse confirmans, nondum anno completo, eum a domno Abbate aliquando difficulter extorsit, atque abbatiam—illi committens, paulo post eidem Balvenis episcopatus addidit dignitatem.

⁸ Against the new apologists for Gregory—Voight and Luden. See Stenzel i., 523, and Sötl's Gregory VII.

⁹ Partly by right of the gift of Constantine: Urbanus II. ann. 1091: constat enim, insulas Imp. Constantini liberalitate ac privilegio in b. Petri jus proprium esse collatas, Scheidii orig. Guelph. I. 454. Thence rose the claim for Corsica, Gregorii lib. vi. ep. 12, and also for Sardinia, lib. viii. ep. 10. In some cases he expressly alleged more recent gifts. Compare lib. i. epist. 7., ad Principes Hispan. an. 1073. Non latere vos credimus, regnum Hispaniae ab antiquo proprii juris s. Petri fuisse, et adhuc, licet diu a Paganis sit occupatum, lege tamen justitiae non evacuata, nulli mortalium, sed soli apostolicae sedi ex aequo pertinere. —Itaque comes Evulus de Rocejo (Rouci in Rheims)—terram illam ad honorem s. Petri ingredi et Paganorum manibus eripere cupiens, hanc concessionem ab apostolica sede obtinuit, ut partem, illam, unde Paganos suo studio et adjuncto sibi aliorum auxilio expellere posset, sub conditione inter nos factae pactionis ex parte s. Petri possideret. He forbids that any one, nisi aequa pactione persolvendi juris s. Petri should venture to make conquests there. Comp. lib. iv. ep. 28 ad Hispanos. —Just so he enjoins lib. ii. epist. 13, ad Salomonem Reg. Hung. in the year 1074; regnum Hungariae s. Romanae Ecclesiae proprium est, a Rege Stephano olim b. Petro cum omni jure et potestate sua oblatum et devote traditum (comp. Sötl's Gregor vii. S. 125). Lib. viii. ep. 23, ad Ep. Albanensem in the year 1081: Carolus magnus Imperator Saxoniam obtulit b. Petro, ejus eam devicit adjutoria. He thought he had gained the same claim upon Russia (lib. ii. ep. 74) and Provence (lib. ix. ep. 12.) He wished to acquire a like claim in Denmark, lib. ii. ep. 51, ad Suenum Reg. Daniae in the year 1075: si te ac regnum tuum—Apostolorum principi pia devotione committere, et ejus auctoritate fulciri vuleris, fideles nuntios ad nos sine dilatione transmittere stude: but without success. Demetrius, Duke of Dalmatia, he made his vassal by granting him the rank of King (Sötl S. 189.)

or sought to make them so; and others he designated as bound at least to pay tribute to the Church.¹⁰ His chief aim was constantly directed to the complete abolishment of priest's-marriage, which had been long ago called in question, and of simony, with a view to destroy all dependence of the Church upon laymen. At a council in Rome 1074, he had decrees framed against these practises,¹¹ and now began to attack with energy, first the married priest, who had been but little troubled by the earlier prohibitions.¹² In all countries there rose violent agitation.

¹⁰ Lib. viii. ep. 23. ad Ep. Albanensem: Dicendum autem est omnibus Gallis et per veram obedientiam praeicipiendum, ut unaquaeque domus saltem unum denarium annuatim solvat b. Petro, si eum recognoscunt patrem et pastorem suum more antiquo.

¹¹ The purport of this is clear from Gregorii ep. ad. Ottonem Episc. Constant. in Bernoldi Constant. apologeticus pro decretis Gregorii VII, c. 1, (Mansi xx. 404, Monumenta res Alemannicas illustrantia ii. 271): ut hi, qui per simoniacam haeresim, h. e. interventu pretii ad aliquem sacerdotum ordinum gradum, vel officium promoti sunt, nullum in sancta Ecclesia ulterius ministrandi locum habeant. Illi quoque, qui ecclesias datione pecuniae obtinent, omnino eas perdant, nec deinceps vendere, vel emere alicui liceat. Sed nec illi, qui in crimine fornicationis jacent, Missas celebrare, aut secundum inferiores ordines ministrare altari debeant. Statuimus etiam, ut, si ipsi contemptores fuerint nostrarum, immo ss. Patrum, constitutionum, populus nullo modo eorum officia recipiat, ut, qui pro amore Dei, et officii dignitate non corriguntur, recedendi saeculi, et objurigatione populi respiciant. The law against the marriage of priests is to be found in Gerohi (provost of Reichesperg † 1189) *comm. ad Psalm x.* (ed. B. Pez. August. Vind. 1728, fol. p. 157. Mansi xx. 433) and in Gratian *dist. lxxxi. c. 15*: Si qui sunt presbyteri, diaconi, vel subdiaconi, qui in crimine fornicationis jaceant, interdiciamus eis ex parte Dei omnipotentis, et s. Petri auctoritate ecclesiae introitum, usque dum poeniteant et emendent. Si qui vero in suo peccato perseverare maluerint, nullus vestrum officium eorum audire praesumat: quia benedictio eorum vertitur in maledictionem, et oratio in peccatum, testante Domino per prophetam: maledicam, inquit, benedictionibus vestris (Mal. ii. 2.) Qui vero huic saluberrimo praecepto obedire noluerit, idololatriae peccatum incurrit Samuele testante et b. Gregorio adstruente: peccatum ariolandi est non obedire, et quasi scelus idololatriae non acquiescere (1 Sam. xv. 23.) Peccatum igitur paganismi incurrit, quisquis, dum Christianum se asserit, sedi apostolicae obedire contemnit. The prohibition with regard to laymen had already been issued by Nicolas II. 1059 (vid Part i. § 34, note 8,) and renewed by Alexander II. *Conc. Rom. ann. 1063 cap. 3.*

¹² See Petrus Dam. Part i. § 34, note 8. The earlier ordinances of the Pontiff seem to have been quite unknown abroad. Sigebert. Gemblac. ad ann. 1074 (Pertz viii. 362): Gregorius P. celebrata

The voices of many were raised against him.¹³ Two synods which Sigfried, Archbishop of Mayence, assembled for the execution of that decree, at Erfurt (Oct. 1074) and Mayence (Oct. 1075) ended in tumult:¹⁴ likewise also a Synod at Paris in

synodo simoniacos anathematizavit, et uxoratos sacerdotes a divino officio removit, et laicis Missam eorum audire interdixit, novo exemplo, et, ut multis visum est, inconsiderato praejudicio, contra ss. Patrum sententiam, qui scripserunt, quod sacramenta quae in ecclesia fiunt,—quia Spiritus s. mystice illa vivificat, nec meritis bonorum dispensatorum amplificantur, nec malorum peccatis attenuantur.

¹³ Stenzel i. 355. Bertholdi ann. ad ann. 1075 (Pertz vii., 278); Praedictis autem et omnibus ferme apostolicae sedis statutis—paene ab omnibus resistitur, et inde maximum odium in domnum Apostolicum, et in perpaucos eos, qui consentiunt ei, et maxima schisinata circumquaque, sed maxime a clericis, excitata sunt. Lambertus ad ann. 1074 (in Pertz vii. 218): Adversus hoc decretum protinus vehementer infremuit tota factio clericorum; hominem plane haeticum et vesani dogmatis esse clamitans, qui oblitus sermonis Domini, quo ait: Non omnes capiunt hoc verbum, qui potest capere capiat, et Apostolus: qui se non continet, nubat; melius est enim nubere, quam uri, violenta exactione homines vivere cogeret ritu angelorum, et dum consuetum cursum naturae negaret, fornicationi et immunditiei frena laxaret. Quod si pergeret sententiam confirmare, malle se sacerdotium quam conjugium deserere, et tunc visurum eum, cui homines sorderent, unde gubernandis per Ecclesiam Dei plebibus angelos comparaturus esset.

¹⁴ Lambertus (Pertz vii. 230): Henry Bishop of Chur, showed himself at Mayence, with strict orders from the Pope to the Archbishop. When he wished to fulfil them, exsurgentes qui undique assedebant clerici, ita eum verbis confundebant, ita manibus et totius corporis gestu in eum debacchabantur, ut se vita comite e synodo discessurum desperaret. Sic tandem rei difficultate superatus, statuit, sibi deinceps tali quaestione omnino supersedendum, et Romano Pontifici relinquendum, ut causam, quam ipse toties inutiliter proposuisset, ille per semetipsum quando vellet et quomodo vellet peroraret. When the Papal partizan Altmann, Bishop of Passau, wished to carry out the ordinance (vid. vita b. Altmanni c. 11. in Pezii scriptt. rerum Austriacarum i., 120), his clergy answered him, se nec velle nec posse hanc consuetudinem deserere, quam ab antiquis temporibus constaret eos sub omnibus antecessoribus Episcopis habuisse; and when he thereupon read the order publicly from the chair, omnes unanimiter furore repleti, jam tunc impraesentiarum Dei famulum furibundis manibus discerpissent, nisi divinum auxilium, et optimatum praesentium praesidium furentibus obtitisset. Among the Bishops, Otto, Bishop of Constance, resisted, see Gregory's letter to him in Paulus Bernried. c. 37: Cum haec omnia tibi observanda pastoralis providentia transmitteremus, tu non sursum cor, sed deorsum in terra ponens, praedictis ordinibus frena libidinis, sicut accepimus, laxasti; ut qui muliereulis se junxerunt, in flagitio

1074.¹⁵ However, Gregory now began to work by means of Legates, who passed through different districts armed with full penal powers,¹⁶ and stirred up the people against the married priests.¹⁷ Thus he gained over a strong party to his side, and prevailed so far that these decrees were at least outwardly adopted.

persistenter, et qui necdum duxerunt, tua interdicta non timerent. O impudentiam, o audaciam singularem! etc. See Neugart *Episcopatus Constantiensis* (S. Blasii 1803. 4.) i. 1, 459.

¹⁵ Vita Galterii Abb. s. Martini juxta Pontisaram c. 2. in act SS. ad d. viii. April, in Mansi xx., 437: Parisiis congregato concilio omnes fere tam Episcopi, quam Abbates et clerici censebant, domini Apostolici sanctae memoriae Hildebrandi jussioni non esse parendum, dicentes, falsoque asseverantes, importabilia ejus esse praecepta, ideoque irrationabilia. When Galterius, Abbot of Pont-Isere, spoke in behalf of the Papal order, vehementer ira succensi qui aderant adversus Dei famulum, mancipia Regis suo scelerei conjungentes, exclamantesque omnes in una conspiratione consurgunt, ipsum de concilio rapiunt, trahunt, impingunt, colaphizant, conspuunt, multisque contumeliis affectum ad donum Regis perducunt.—Quorundam optimatum—virtute vir Dei de loco, in quo custodiebatur, eripitur, et Ecclesiae suae cum honore redditur. The Pope was even informed (lib. iv. ep. 20, ad Jofredum Ep. Parisiacensem), Cameracenses hominem quemdam flammis tradidisse, eo quod simoniacos et presbyteros fornicatores Missas non debere celebrare, et quod illorum officium minime suscipiendum foret, dicere ausus fuerit.

¹⁶ Sigefridi Archiep. Mogunt. ep. ad suffraganeos from the year 1075 (in Hartzheim. Conc. Germ. iii., 175): Placuit domino Papae, ut mitteret quosdam de Curia pro reformando Ecclesiarum statu, et maxime manifesta cohabitatione mulierum clericis prohibenda. Illi autem diligenter executi, quod eis injunctum fuerat, quibusdam per suspensionem, aliis per excommunicationem praeceperunt, ut concubinas dimitterent, et ulterius non admitterent; sed parum in aliquibus profecerunt. Nos igitur videntes, quod occasione hujus mandati facti sunt plurimi transgressores, scandalumque, quod exinde ortum est, et infamiam clericorum, quae secuta est, significavimus domino Papae. Unde ipse nobis dedit in mandatis, ut, quia multitudo est in causa, propter quam detrahendum est severitati, talibus misericorditer consulamus. Inde est, quod mandamus vobis, qui subditos habetis, ut, quemcunque inveneritis cauteriatam habentem conscientiam, eo quod tali vitio laboraverit, et concubinas a se non removerit; eum ad nostram praesentiam transmittatis, ne indigne accedens ad altare Dei iudicium sibi manducet et bibat. Interdicimus enim, sicut nobis injunctum est, cum tali, auctoritate apostolica, dispensare.

¹⁷ Sigebert. Gembl. ad ann. 1074 (Pertz viii., 363): Ex qua re grave oritur scandalum—laicis insurgentibus contra sacros ordines, et se ab omni ecclesiastica subjectione excipientibus. Laici sacra mysteria temerant et de his disputant; infantes baptizant, sordido humore aurium pro sacro oleo et chrismate utentes; in extremo vitae viaticum domi-

As the victory over married priests swayed to the Pope's side, he began to give a more decisive shape to the struggle against simony. In a fresh Council at Rome (1075) he pronounced his ban against five privy councillors of the German King, Henry IV., as guilty of

nicum et usitatum Ecclesiae obsequium sepulturae a presbyteris conjugatis accipere parvipendunt; decimas presbyteris deputatas igni cremant; et ut in uno caetera perpendas, laici corpus Domini a presbyteris conjugatis consecratum saepe pedibus conculcaverunt, et sanguinem Domini voluntarie effuderunt. Probable enough is the epistle in Martene et Durand thesaur. nov. anecdot. i. 230, as its author Guenricus, a scholastic at Trèves, was a man of moderate mind, Sigeberti Gembl. apologia contra eos, qui calumniantur Missas conjugatorum sacerdotum, of whom he himself makes mention, de scriptoribus ecel. c. 171 (vid. Sigfr. Hirsch de vitâ et scriptis Sigeberti Gembl. Berol., 1841, p. 196.) There we find the following, p. 231. Quid pulchrius, quid christianitati conducibilis, quam sacros ordines castitatis legibus subjicere, promotiones ecclesiasticas non pecuniae pacto, sed vitae merito aestimare, juvenis regis vitam et mores ad suam et subditorum utilitatem corripere, episcopalem dignitatem ab omni saecul. ris servitii necessitate absolvere? Haec si ea, quam pietas exigit, intentione proposita, si eo, quem justitia postulat, essent ordine pertractata, profecto neque recta voluntas remuneratione sua caruisset, et non ejectionum, sed injectionum verbi Dei semen aliquem in auditorum cordibus fructum invenisset. Nunc autem si fructum requiris, grex dominicus pastoribus lupos in eum incitantibus miserabiliter dispergitur. Plebejus error, quam semper quaesivit, opportunitate adepta, usque ad furoris sui societatem (*leg. satietatem*) injuncta sibi, ut ait, in clericorum contumelias obedientia crudeliter abutitur. Hic publicis illusionibus addicti, quocumque prodeunt, clamores insultantium, digitos ostendentium, colaphos pulsantium perferunt. Alii—egeni et pauperes profugiant, alii membris mutilati,—alii per longos cruciatus superbe necati.—Illi autem, laicos dico, quibus amministris tam ordinata agi placuit capitula, sua auctoritate defendentes vesaniam, nihil est, quod contra propositum christianitatis non audeant. Ecclesiae mysteria contemnere, parvulos suos lavacro salutari fraudare, ipsi absque humili peccatorum confessione, et solempni Ecclesiae viatico migrare, religiosum deputant, sibi ad peccatorum redemptionem sufficere arbitantes, si commissum sibi in pastores suos saeviendi officium strenue adimpleant. Si autem quaeris, talis fructus a qua radice pullulaverit: lex ad laicos promulgata, qua imperitis persuasum est, conjugatorum sacerdotum Missas, et quaecumque per eos implentur mysteria fugienda esse, in reipublicae nostrae ornatum illud adiecit. So also epist. Theoderici Episc. Viridunensis ad Gregor. VII., an. 1082, written by Guenricus, a scholastic at Trèves (ibid. p. 218): primo quidem faciem meam in eo vel maxime confusione perfundunt, quod legem de clericorum incontinentia per laicorum insanias cohibenda unquam susceperim.—Legem enim illam—tartaro vomente prolatam negligentia, ajunt, exceperit, stultitia promulgavit, amentia roborare contendit, per quam pax Ecclesiae, tranquillitas populi Dei

simony;¹⁸ he threatened Philip King of France with a similar punishment;¹⁹ and in order to cut off the evil of simony at the very root, he forbade secular princes altogether to invest with any spiritual office.²⁰ Among the monarchs of the time Henry IV. was the one over whom victory the most certain and most rich in results might be expected. By his ungoverned passions and vacillating licentiousness, the unhappy consequences of a bad education, this youthful monarch had already roused the greatest part of his people, particularly the Saxons, to revolt. Thus the

sublata etc.—*Nec putetis eos, qui ita de his sentiunt, conscientiae suae terrore in hac parte percussos—taliam praetendere, ecclesiasticorum graduum incontinentiam talibus defensionibus fovere velle. Honestam, mihi credite, conversationem in desiderio habent, nec aliter quam oportet ecclesiasticae ultionis censuram intentari gaudent. Sed non ita, inquit, scissuram parietis convenit resarciri, ut totum domus fundamentum inde contingat labefactari, etc.* About this proceeding also Alboini *epist. ii. ad Bernaldum Constantiens.* (about the year 1076) was specially written, although much is said there in defence of the marriage of priests, in Goldasti *apolog. pro Henr. IV. p. 40 ss.*, and with the reply of Bernald in *monumentorum res Alemann. illustr. ii. 237.*

Compare Part i. § 24, note 15. Against Bruno de bello Saxon. in Pertz vii. 334, who accuses even Henry himself of base simony, see Stenzel ii. 58. 134: the traits of character which Lambert, in Pertz vii. 237, details, speak much in Henry's favour.

¹⁹ How Philip practised simony, see Gregor. lib. i. *epist. 35, ad Rodericum Cabilon. Episc. p. an. 1073*: *Inter caeteros nostri hujus temporis Principes, qui Ecclesiam Dei perversa cupiditate venundando, dissipaverunt, et matrem suam—ancillari subjectione penitus conculearunt, Philippum, Regem Francorum, Gallicanas Ecclesias in tantum oppressisse certa relatione didicimus, ut ad summum tam detestandi hujus facinoris cumulum pervenisse videatur.* Still more general complaints, lib. ii. *ep. 5, ad Episcopos Francorum an. 1074*: *Rex vester, qui non rex sed tyrannus dicendus est, omnem aetatem suam flagitiis et facinoribus polluit, et suscepta regni gubernacula miser et infelix inutiliter gerens etc.*—*Vos fratres etiam in culpa estis, qui, dum perditissimis factis ejus sacerdotali rigore non resistitis, procul dubio nequitiam illius consentiendo fovetis*—*Quod si vos audire noluerit,—ab ejus vos obsequio atque communione penitus separantes, per universam Franciam omne divinum officium publice celebrari interdicit.* *Quod si nec hujusmodi districtione voluerit respicere, nulli clam aut dubium esse volumus, quin modis omnibus regnum Franciae de ejus occupatione, adjuvante Deo, tentemus eripere.* *Comp. lib. ii. ep. 18, ad Guilelm. Com. Pictav.*

The short account of this council preserved in the Registrum, Greg. VII. under lib. ii. *ep. 52*, may be seen in Mansi xx. 443. As Pagi *crit. ann. 1075 no. 1*, has shown, the following decree commu-

Pope could reckon upon allies against him even in Germany.²¹ Again, in the person of Henry, the imperial throne, the pinnacle of all secular power, would be humbled.

Accordingly, when his decrees were disregarded by the Princes, the Pope dropped the war already declared against Philip, and summoned Henry instead before his judgment seat at Rome.²² Henry answered this unprecedented indeed, but well considered proceeding, with thoughtless rashness: when in the councils at Worms (24th Jan. 1076), Piacenza (February), and Pavia (April), he suffered his good right to be thrown into the shade by empty accusations against the Pope, and then pronounced him deposed.²³

nicated by Anselmus Lucensis contra Guibert lib. ii. (in Canisii lectt. ed. Basnage iii. 1, 384) and Hugo Flaviniac. chron. Virdun. (in Labbæi bibl. nova mss. i. 196) belongs also to this place: Si quis deinceps episcopatum vel abbatiam de manu alicujus laicæ personæ susceperit, nullatenus inter Episcopos vel Abbates habeatur, nec ulla ei ut Episcopo vel Abbati audientia concedatur, insuper ei gratiam b. Petri et introitum Ecclesiæ interdiciamus, quousque locum, quem sub crimine tam ambitionis quam inobedientiae, quod est scelus idololatriæ, cepit, resipiscendo non deserit. Similiter etiam de inferioribus ecclesiasticis dignitatibus constituimus. Item si quis Imperatorum, Regum, Ducum, Marchionum, Comitum, vel quilibet saecularium potestatum aut personarum, investituram episcopatuum vel alicujus ecclesiasticæ dignitatis dare praesumerit, ejusdem sententiæ vinculo se adstrictum sciât.

²¹ Voigt's Hildebrand s. 86, 123 ss. Schlosser's Weltgesch, II., ii. 667. Stenzel i. 248.

²² The preceding events may be found in Bruno de bell. Sax. (in Pertz vii. 351:) Misit ergo Regi literas, quibus eum de multis aliis criminibus arguebat, et ut Episcopos a captivitate dimissos (the Saxon Bishops who had been detained in prison since the subjection of the Saxons) Ecclesiis bonisque suis integre restitutis remitteret, orabat, et post hæc concilium in eo loco, quo venire posset Apostolicus, congregaret, ubi Episcopi vel, si digni essent, episcopalem perderent dignitatem, vel injuriarum, quas erant passi, canonicam reciperent satisfactionem. Quod si in his sacris canonibus nolisset Rex obediens existere, et excommunicatos a societate sua repellere, se eum velut putre membrum anathematis gladio ab unitate s. matris Ecclesiæ minabatur abscindere. Then he sent Legates (Lambertus ann. 1076, in Pertz vii. 241), denuntiantes Regi, ut secunda feria secundæ hebdomadæ in Quadragesima ad synodum Romæ occurreret, de criminibus, quæ objicerentur, causam dicturus: alioquin sciret, se absque omni procrastinatione eodem die de corpore s. Ecclesiæ apostolico anathemate abscidendum esse.

²³ Stenzel i. 379. In Worms appeared the banished Cardinal Hugo Blancus (or Candidus, about him, see Cassander, s. 80), deferens secum de vita et institutione Papæ scenicis figmentis consimilem tragoediam

On the other hand Gregory issued against Henry sentence of excommunication and dethronement.²⁴ Many voices indeed were

(Lambertus, p. 242), in part almost the same charges which Benno and Benzo have recorded. The letters issued from Worms are those from the German bishops to Gregory in Flacii cat. test. ver. no. clx., and from Henry to the Romish Church and Gregory in Brunode bello Sax. in Pertz vii. 352. In the last it is said: *Et nos quidem haec omnia sustinimus, dum apostolicae sedis honorem servare studuimus. Sed tu humilitatem nostram timorem fore intellexisti, ideoque et in ipsam regiam potestatem nobis a Deo concessam exurgere non timuisti, quam te nobis auferre ausus es minari quasi nos a te regnum acceperimus, quasi in tua et non in Dei manu sit regnum vel imperium: qui Dominus noster Jesus Christus nos ad regnum, te autem non vocavit ad sacerdotium. Tu enim his gradibus ascendisti: scilicet astutia—pecuniam, pecunia favorem, favore ferrum, ferro sedem pacis adisti, et de sede pacis pacem turbasti.—Me quoque, qui, licet indignus, inter christos ad regnum sum unctus, tetigisti, quem sanctorum Patrum traditio soli Deo judicandum docuit, nec pro aliquo crimine, nisi a fide, quod absit, exorbitaverimus, deponendum asseruit, cum etiam Julianum apostatam prudentia sanctorum Episcoporum non sibi, sed soli Deo judicandum deponendumque commiserit. Ipse verus Papa, b. Petrus, clamat: Deum timete, Regem honorificate. Tu autem, quia Deum non times, me constitutum ejus inhonoras.—Tu ergo hoc anathemate et omnium Episcoporum nostrorum judicio et nostro damnatus descende, vindictam sedem apostolicam relinque! Alius in solium b. Petri ascendat, qui nulla violentiam religione palliet, sed b. Petri sanam doctrinam doceat. Ego enim Henricus Rex Dei gratia cum omnibus Episcopis nostris tibi dicimus: descende, descende.*

²⁴ Conc. Roman. ann. 1076 in Mansi xx. p. 467 ss. The form of excommunication: *Beate Petre Apostolorum princeps, inclina quaesumus pias aures tuas nobis, et audi me servum tuum.—Tu mihi testis es, et Domina mea, Mater Dei, et b. Paulus frater tuus, et omnes Sancti, quod tua s. Romana Ecclesia me invitum ad sua gubernacula traxit,—et ideo—credo, quod tibi placuit et placet, ut populus christianus tibi specialiter commissus mihi obediat.—Hac itaque fiducia fructus pro Ecclesiae tuae honore et defensione, ex parte omnipotentis Dei Patris et Filii et Spiritus sancti, per tuam potestatem et auctoritatem Henrico Regi, filio Henrici Imperatoris, qui contra tuam Ecclesiam inaudita superbia insurrexit, totius regni Teutonicorum et Italiae gubernacula contradico, et omnes Christianos a vinculo juramenti, quod sibi fecere vel facient, absolvo, et ut nullus ei sicut Regi serviat, interdicto.—Et quia sicut Christianus contempsit obedire,—participando excommunicatis, et multas iniquitates faciendo, meaque monita, quae pro sua salute sibi misi, te teste, spernendo, seque ab Ecclesia tua, tentans eam scindere, separando; vinculo eum anathematis vice tua alligo: et sic eum ex fiducia tua alligo, ut sciant gentes, et comprobent, quia tu es Petrus, et super tuam petram Filius Dei vivi aedificavit Ecclesiam, et portae inferi non praevallebunt adversus eam. This*

now raised to deny the Pope's right to take such a step.²⁵ But the Peers, long discontented with their king, looked upon the Pope

sentence he published in a letter ad universos Christianos (Bruno de bello Sax. in Pertz vii. 353. Gregor. lib. iii. ep. 6.)

²⁵ Historiae Francicae fragmentum in Duchesne hist. Franc. scriptt. T. iv. p. 89 even records: contra voluntatem totius paene concilii eum excommunicavit. Immediately afterwards Gregory issued the epist. ad Germanos (Udalrici cod. epist. no. 146 in Mansi xx. 377): Audivimus inter vos quosdam de excommunicatione, quam in Regem fecimus, dubitare, ac quaerere, utrum juste sit excommunicatus, et si nostra sententia ex auctoritate legalis censurae, ea qua debuit, deliberatione egressa sit. Thus Herman, Bishop of Metz, communicates to the Pontiff, as the opinion of many: Regem non oportet excommunicari. Thereupon Gregor. lib. iv. ep. 2, ad Herimannum ann. 1076, and yet more distinctly lib. viii. ep. 21:—Quod autem postulasti, te quasi nostris scriptis juvari ac praemuniri contra illorum insaniam, qui nefando ore garriunt, auctoritatem sanctae et apostolicae sedis non potuisse Regem Henricum, hominem christianae legis contentorem, ecclesiarum videlicet et imperii destructorem, atque haereticorum auctorem et consentaneum excommunicare, nec quemquam a sacramento fidelitatis ejus absolvere: non adeo necessarium nobis videtur, cum hujus rei tam multa ac certissima documenta in sacrarum Scripturarum paginis reperiuntur. Compare above note 2. Sigebert. Gembl. de scriptt. ecel. c. 171: Rogatu praedicti viri (Henrici Archidiaconi) validis Patrum argumentis respondi epistolae Hildebrandi Papae, quam scripsit ad Hermannum Metensem Episcopum in potestatis regiae calumniam. Against this epistle the apology pro Henrico IV. Imp. ann. 1093 was issued, probably by Waltram, Bishop of Naumburg (in Goldasti apolog. p. 53.) Theoderici Ep. Virdun. epist. ad Gregorium an. 1080 (s. not. 17) p. 220: Non est novum homines saeculares saeculariter sapere et agere. Novum est autem et omnibus retro saeculis inauditum, pontifices regna gentium tam facile velle dividere, nomen regium inter ipsa mundi initia repertum adeo postea stabilitum repentina factione elidere, christos Domini, quoties liberit, plebeja sorte sicut villicos mutare, regno patrum suorum decedere jussos, nisi confestim adquieverint, anathemate damnare. Then there is a reference to passages of Scripture, amongst others to 1 Pet. ii. 17, 18; Tit. iii. 1; and to the example of Gregory the Great (vol. i. Part ii. § 116, note 3.) Then page 224: Sanctam autem et omnibus retro saeculis apud omnium gentium nationes, inviolatam jurisjurandi religionem facillima, iniquiant, domni Papae rescindit absolutio: et quod tantum est, ut illud omnis controversiae finem Apostolus nominaverit, modo unius chartulae per quemlibet bajulatorem porrectae levissima infringere juberetur (*leg. infringi jubetur*) lectione. Absolve, inquit, omnes a juramento, quod Henrico juraverunt. Ecce nunc tempus acceptabile, ecce qui educit vinctos in fortitudine, velimus, nolimus, absolvimus.—Sed quid ad haec illi dicunt? Non te in hoc, domne Papa, audimus; non abnegamus ei fidem quam promisimus, non tantum promisimus, sed juravimus; quia si os, quod simpliciter mentitur

only as a welcome ally. From Tribur (Oct. 1076) they required Henry to satisfy the papal demands.²⁶ And now the anger of the fickle king veered so swiftly round to fright, that at Canossa he sued and obtained from Gregory, with the greatest humiliations, release from excommunication (25—28. Januar. 1077.)²⁷ But just as quickly he suffered his mind to be changed again

occidit animam, valde est inconsequens, ut os, quod cum perjurio mentitur, non occidat animam. Et si perdat omnes, qui loquuntur mendacium, multo amplius perdit omnes, qui loquuntur perjurium. Quod autem per tuam auctoritatem hujus rei nobis promittis impunitatem: noli, obsecro, noli in fratres peccare, noli pusillos Christi scandalizare, noli per perversam securitatem infirma auditorum corda in inrevocabile praeceptum tecum submergere. Illud nec nos sequi, nec tu potes praecepere. Si super cathedram Moisi sederes, necesse haberem servare et facere, quod juberet. Cathedram Moisi descendisti; ab omni, quam tibi debebam obedientiae necessitate me absolvisti. Quid enim dicit Moyses? "Non assumes nomen Dei tui in vanum" (Exod. xx. 7.) Et alibi: "Non perjurabis in nomine meo etc." (Lev. xix. 12.)—Sed dicit dominus Papa: perversus est, cui jurasti, impius est, perjurus est, scelestus est, fidem ei non debes. In truth this may not be the case with him: Sed sit impius, sit perversus, sit quicquid dominus Papa in eum dicere voluerit acrius, num ideo sacramentum ei factum infringere, et quia ille malus est, ideo ego sacrilegus existendo me in aeternam damnationem videns et sciens debeo intrudere? Prorsus nec debeo, nec facio, quia Patres sanctos—sacramentum cum perversis et a Deo alienis hominibus suscepisse, et summa illud cautela observasse, in Scripturis sanctis et legi et memoro. For instance, especially Joshua's oath sworn to the Gibeonites. (Jos. ix.) Joshua might then have said to the people: Absolvo vos a sacramento, quia idolorum cultores—inter vos reservare voce Domini prohibiti estis.—Juramentum fraude et mendacio initum evacuare non timueritis.—Sed illi sint, ait, illi idololatrae, nos eis non in dolis sed in nomine Domini Dei Israel juravimus. Illi nos fraudulenter deceperunt, nos mendacium eorum execrantes a veritate in nomine Domini confirmata nequaquam declinabimus etc.—Haec nos, inquit, insuperabilis veritatis sequentes testimonia, nulla seductorum hominum circumventionem a sacramento volenter et legitime facto declinabimus; etiamsi angelus de caelo aliter nobis evangelizaret, nos illum parvipendere, contemnere, anathematizare non dissimulabimus.

²⁶ Bruno in Pertz viii. 364. Lambertus *ibid.* p. 252.

²⁷ Gregory announces this himself to the Germans (lib. iv. ep. 12, ad Germanos): tandem (Rex)—ad oppidum Canusii, in quo morati sumus, cum paucis advenit, ibique per triduum ante portam deposito omni regio cultu miserabiliter, utpote discalceatus et laneis indutus, persistens, non prius cum multo fletu apostolicae miserationis auxilium et consolationem implorare destitit, quam omnes qui ibi aderant—ad tantam pietatem et compassionis misericordiam movit, ut pro eo multis precibus et lacrymis intercedentes, omnes quidem insolitam nostrae

by the Lombards, who were embittered against the Pope, and meditated revenge.²⁸ The majority of German princes assembled at Forchheim (March 1077) now elected Rudolph, duke of Swabia, to be their king.²⁹ Yet Henry retained adherents enough to make head against them. So long as the struggle was doubtful, notwithstanding his former declarations, and in spite of the reproaches of Rudolph's party, Gregory withheld his decision.³⁰ Not till he thought Henry completely conquered

mentis duritiam mirarentur, nonnulli vero in nobis non apostolicæ severitatis gravitatem, sed quasi tyrannicæ feritatis crudelitatem esse clamarent. Denique instantia compunctionis ejus, et tanta omnium qui ibi aderant supplicatione devicti, tandem eum relaxato anathematis vinculo in communionis gratiam et sinum s. matris Ecclesiæ recepimus. After this comes the oath Henry took: Ego Henricus Rex de murmuratione et dissensione, quam nunc habent contra me Archiepiscopi et Episcopi, Duces, Comites, cæterique Principes regni Teutonicorum, et alii, qui eos in eadem dissensionis causa sequuntur, infra terminum, quem dominus Papa Gregorius constituerit, aut justitiam secundum judicium ejus, aut concordiam secundum consilium ejus faciam.—Item si idem dominus P. Gregorius ultra montes, seu ad alias partes terrarum ire voluerit, securus erit ex mei parte etc. Comp. Lambertus in Pertz vii. 256 ss. Also Wedekind's Notes to some writers of epistles in the middle ages in Germany, vol. i. Hamb. 1823, s. 169. Bernoldus in Pertz vii. 433.

²⁸ Lambertus in Pertz vii. 263, who closes with this.

²⁹ Paul. Bernried. c. 93. In Forchheim the Papal Legates declared, Papam petere, ut novi Regis electionem, de qua audierat, in adventum ejus differrent, si hoc sine periculo fieri posse perpenderent. But when the nobles saw danger in delay, legati—responderunt, sibi quidem optimum videri, si Regis constitutionem—in adventum domini Papæ sine periculo differre possent: cæterum provisionem regni non tam in eorum consilio, quam in Principum arbitrio sitam esse. About this and about what follows see also Bernoldus l. c. Bruno in Pertz vii. 365. Stenzel i. 418, ii. 148.

³⁰ The Saxons, Thuringians, and Swabians were on Rudolph's side; the Bavarians and Franconians on Henry's. Bruno in Pertz vii. 369: Interea dominus Apostolicus, apostolici vigoris oblitus (qua causa nescimus), multum est a priore sententia mutatus. Nam qui prius Heinricum cum omnibus suis adiutoribus apostolica severitate excommunicaverat, eique regnandi potestatem potenter interdixerat, et omnes, qui ei fidelitatem jurassent, a juramenti nodis apostolica auctoritate absolverat, et electionem novi Regis consensu suo confirmaverat, nunc per literas mandavit, ut concilio facto Rex uterque convocatus audiatur, et quem justitia regnare permiserit, altero deposito tutus in regno confirmetur. Thus decreed the council at Rome in the year 1078 (Manzi xx. 504.) Whereupon idonei nuntii e latere apostolicæ

at Flarcheim near Mühlhausen (27th January 1080) did he repeat his sentence of excommunication against him, and declare for Rudolph (March 1080.)³¹ On the other hand Henry caused

sedis were to go into Germany and hold this council: thus also Gregorius lib. iv. ep. 24, ad Germanos ann. 1078, and Gregorii epist. a syn. Rom. ann. 1079, in partes Teutonicas missa (Mansi xx. 522.) Thereupon Rudolph's party despatched five letters to Gregory, one after the other, full of grievances, in Bruno, p. 371 ss. (for the chronological order of these see Stenzel ii. 153.) In the first: Cum illa anathematis absolutio per epistolam vestram nobis innotesceret, de sententia regni, quae in eum processit, nihil mutatum esse intelleximus, sed ne nunc quidem, si mutari possit, intelligimus. Absolutio enim illa juramentorum qualiter cassari possit, nullo modo percipere valemus. Sine sacramentorum autem observatione regiae dignitatis officium nequaquam administrari potest.—Cumque de electo nobis Rege et non de Regibus spes magna ad refocillandum Imperium succresceret, ecce ex insperato literae vestrae advenientes, duos in uno regno Reges pronuntiant, duobus legationem decernunt. Quam regii nominis pluralitatem, et quodammodo regni divisionem divisio quoque populi et studia partium subsecuta sunt etc. On this head Gregory justifies himself, lib. vii. ep. 3, ad Germanos: Pervenit ad nos, quod quidam ex vobis de me dubitant, tamquam in instanti modo necessitate usus sim saeculari levitate. Qua certe in causa nullus vestrum praeter instantiam praeliorum majores me et patitur angustias, et suffert injurias. Quotquot enim Latini sunt, omnes causam Henrici praeter admodum paucos laudant ac defendunt, et perniciæ duritiae ac impietatis circa eum me redarguunt. Quibus Dei gratia omnibus sic restitimus hactenus, ut in neutram adhuc partem, nisi secundum justitiam et aequitatem, secundum nostrum intellectum declinaremus. Nam si legati nostri aliquid contra quod illis imposuimus egerunt, dolemus: quod ipsi tamen (sicut comperimus) tum violenter coacti, tum dolo decepti fecerunt. Yet Bruno winds up the year 1079 with the words: Sic totus annus ille consumitur, ut fere nihil memorabile fieret in nostris partibus, nisi quod apostolici legati frequenter ad utrasque partes venerunt, et nunc nobis, nunc hostibus nostris apostolicum favorem promittentes, ab utrisque pecuniam, quantam poterant more Romano conquirere, secum detulerunt.

³¹ Rudolph sent ambassadors to the Council at Rome, and had the old accusations against Henry brought forward (in Mansi xx. 536.) Thereupon the Pontiff pronounced the Bull of Excommunication and Dethronement (ib. p. 534) in the form of a prayer to Peter and Paul, like the earlier one, (note 24,) but with the remarkable conclusion: Ipse autem Henricus cum suis fautoribus in omni congressione belli nullas vires, nullamque in vita sua victoriam obtineat. Ut autem Rodolphus regnum Teutonicorum regat et defendat, quem Teutonici elegerunt sibi in Regem, ad vestram fidelitatem; ex parte vestra dono, largior et concedo omnibus sibi fideliter adhaerentibus absolutionem omnium

Gregory's degradation to be published afresh, by the Synods at Mayence and Brescia (June 1080): in Brescia at the same time Guibert, Archbishop of Ravenna, was elected to the Papacy under the name of Clement III.³² When Rudolph fell in battle at Merseburg soon after (Oct. 1080), Henry's adherents increased extraordinarily,³³ and the Pope's condition became dangerous.

peccatorum: vestramque benedictionem in hac vita et in futura, vestra fretus fiducia, largior.—Agite nunc, quaeso, Patres et Principes sanctissimi, ut omnis mundus intelligat et cognoscat, quia, si potestis in caelo ligare et solvere, potestis in terra imperia, regna, principatus, ducatus, marchias, comitatus et omnium hominum possessiones pro meritis tollere unicuique et concedere.—Si enim spiritualia judicatis, quid de saecularibus vos posse credendum est: et si angelos dominantes omnibus superbis principibus judicabitis, quid de illorum servis facere potestis? Addiscant nunc Reges et omnes saeculi Principes, quanti vos estis, quid potestis, et timeant parvipendere jussionem Ecclesiae vestrae: et in praedicto Henrico tam cito iudicium vestrum exercete, ut omnes sciant, quia non fortuito, sed vestra potestate cadat. The story of the crown sent from Gregory to Rudolph with the inscription: *Petra dedit Petro, Petrus diadema Rudolpho*, first mentioned by Sigebert. *Gembl. ann. 1077*, as a report taken from Otto Frising. *de gest. Frid. i. c. 7*, and Guilelm. *Appul. lib. iv.* is probably a Fable. Voigt. s. 530. On the other hand he did blow up the flame of war anew by his letters to Rudolph, and his followers (Udalrici Babenb. *codex no. 153*): Cum veritas ipsa dicat, omnium, qui propter justitiam persecutionem patiuntur, regnum esse caelorum, et Apostolus clamet, neminem, nisi qui legitime certaverit, posse coronari, nolite, filii mei, in hoc, qui vos jam multo tempore exagitat, bellico furore deficere, nolite per ullius fallentis personae mendacia de nostro fideli adjutorio dubitare etc.

³² Hugon. Flavin. *chron. Virdun. ap. Labb. p. 225*, Ekkehardi *chron. in Pertz viii. 203*. Acts of the Council of Brescia in Udalrici Bab. *codex nr. 164*.

³³ To this contributed the legend found in Sigeb. *Gembl. ad ann. 1080*: Hildebrandus P. quasi divinitus revelatum sibi praedixit, hoc anno falsum Regem esse moriturum. (Gregory pledges himself ad Episc. Tridentinum in Udalrici Babenb. *cod. nr. 152*; festum b. Petri non prius transeundum, quam in cunctorum notitia certissime clareat, illum [Henricum] justissime esse excommunicatum. Bonizo in *Oefele ii. 819* records, that Gregory had declared on the second Easter-day after the excommunication of Henry: omnibus vobis notum sit, quod, si usque ad festivitatem s. Petri Henricus non resipuerit, mortuus erit aut depositus: quod si hoc non fuerit, mihi credi amplius non oportet, and that on this account it was often said afterwards that he had pronounced sentence of condemnation against himself. Bonizo on the other hand would have the saying thus fulfilled, morte spiritali Henricum mortuum et ante divinos oculos depositum esse.) Then

Gregory, however, could not be thus shaken in his resolution. He had roused his enemies to great exasperation,³⁴ his adherents to fanatical hatred against them):³⁵ and so to yield would have been not only an abasement, but self annihilation. It was no

there is the story of Rupolph's dying words in Ekkehardus (Pertz viii. 204): *Ecce haec est manus, qua domino meo Heinrico fidem sacramento firmavi, ecce ego jam ejus regnum et vitam derelinquo praesentem: videte, qui me solum ejus conscendere fecistis, ut recta via vestra monita sequentem duxissetis.* Yet Bruno in Pertz vii. 381 paints Rudolph's last moments in very different colours.

³⁴ Theoderici Episc. Virdun. epist. ad Gregorium vii. an. 1080. (s. not. 17) p. 215: *Jam enim omni pudore evacuato—in aperta paternitatis vestrae vituperia feruntur, in vestram damnationem quanto acrius egerint, tanto acceptius se Christo obsequium praestare arbitrantur.—Et de vita quidem vestra et conversatione indigna sentientes, vos ipsum laxatis loquacitatis habenis execrantur, et vituperant ecclesiasticas sanctiones, et introducta per vos instituta irrident et conculeant: ad quae defendenda, si eos ad librorum attestaciones et ss. Patrum auctoritates evocamus; hoc vero, hoc est, ajunt, quod volumus, hoc precamur et cupimus.*

³⁵ The Priest Manegold of Lutenbach, afterwards founder of the Monastery of Marbach in Alsatia (about him see Usserman ad Berthold. Const. in the monumentt. res Aleman. illustrant. ii. 161, furnishes us with the extreme of this style, in his work published in answer to this epistle of Theoderic. (MS. in Carlsruhe, selections from it may be found in Schlözer's Briefwechsel histor. und polit. Inhalts viii. 364, and in the Beiträgen zur Gesch. und Literatur aus einigen Handschriften der Markgräfl. Bibliothek. Frankf. a. m. 1798. s. 153.) Cap. 38 and 39 show quod hi, qui excommunicatos non pro privata injuria, sed Ecclesiam defendendo interficiunt, non ut homicidae poeniteantur vel puniantur. (Thus also Urban II. below § 48; note 15.) Cap. 41: quod pro Henricianis non sit orandum. For they were guilty of sin against the Holy Spirit i.e., per malitiam et invidiam fraternam oppugnare caritatem post acceptam gratiam Spiritus s., quod peccatum Dominus neque hic neque in futuro saeculo dimitti dicit. (As to Manegold many even of the partizans of Gregory were of opinion that: Fuit homo importunus:—optamus, ut liber ipsius cum ipso sit sepultus: On the other hand others held his writings to be quasi responsa caelestis oraculi. Gerhohi dial. de differentia Clerici saec. et regul. in Pezii thesaur. anecd. ii. ii. 491.)—Compare the traits which Guericus narrates (see note 17) p. 237: Alii loci sacra sacrilegorum ingressu et egressu contaminata repargaturi,—patentibus per diem et noctem ecclesiae januis, ventum recipiunt. Alii in lapides et ligna, profanorum, ut asserunt, contactu dechristianata, scopis animadvertentes et aqua, superstitiosi lapidum baptistae, dum judaica revocant baptismata, de stultitia insaniam faciunt.

longer a public but a personal cause.³⁶ In Italy, Gregory gave way to Robert Guiscard to win his assistance.³⁷ He tried every means in ill-fated Germany to make the breach incurable.³⁸

³⁶ Theoderici epist. p. 227 : Illud sane quod de ecclesiasticis ventilatur beneficiis ab omni saecularium jure perpetua emunitate asserendis, de Episcopis quoque manu Principis in episcopatum minime introducendis, etsi pro rei novitate primo suo aspectu offensionem generat : aliquam tamen speciem rationis exhibet, si non re [*leg. res*] vel tali tempore mota, vel tali impetu properata, vel tali foret contentione agitata. Quis enim non videat, non ex religionis zelo, sed ex principis odio haec actitari, cum personis per sacram Rodulphi vel Herimanni dextram non introductis, sed subintroductis, benedictiones non negentur, pallia domum transmittantur, cum his, qui sub aliis Regibus degunt, mitius agatur : nostris autem Episcopis, Archiepiscopis legitime electis, communi assensu receptis, laica etiam communio interdicatur, et in nulla deprehensi culpa, Heinricho solum quia fidem tenent et perjurare timent, reprobi judicentur.

³⁷ Robert had been excommunicated so early as 1074, for having drawn over Campania to himself, Leo Ostiens. chron. iii. c. 45. Without surrendering his acquisitions, he obtained forgiveness 1080, renewed his oath of allegiance (Part I, § 23, note 11, comp. under Gregor. lib. viii., ep. 1), and Gregory invested him with the remarkable form (*ibid*) : Ego Gregorius P. investio te, Roberte dux, de terra, quam tibi concesserunt antecessores mei sanctae memoriae Nicolaus et Alexander. De illa autem terra, quam injuste tenes, sicut est Salernus, et Amalphia, et pars marchiae Firmanae, *nunc te patienter sustineo*, in confidentia Dei omnipotentis et tuae bonitatis, ut tu postea exinde ad honorem Dei et s. Petri ita te habeas, sicut et te agere et me suscipere decet sine periculo animae tuae et meae. Comp. Stenzel I, 470.

³⁸ See especially Gregorii lib. ix., ep. 3, to his legates in Germany. He confesses there, Paene omnes nostros fideles, audita nece Rodulphi b. memoriae Regis, niti ad hoc nos crebris adhortationibus flectere, ut Henricum jampridem, sicut scitis, plura facere nobis paratum, cui ferme omnes Italici favent, in gratiam nostram recipiamus, etc. Nevertheless he thinks only of Henry's destruction : Si Henricus forte Longobardiam intraverit, admonere etiam te, carissimus frater, volumus ducem Welphonem, ut fidelitatem b. Petro faciat.—Illum enim totum in gremio b. Petri desideramus collocare, et ad ejus servitium specialiter provocare. Quam voluntatem si in eo, vel etiam in aliis potentibus viris—cognoveris, ut perficiant elabora, nosque certos reddere diligenter procura. Then he prescribes the following oath of fealty for the man who should be chosen king of Germany : Ab hac hora et deinceps fidelis ero per rectam fidem b. Petro Apostolo ejusque vicario Papae Gregorio, qui nunc in carne vivit : et quodcumque mihi ipse Papa praeceperit, sub his videlicet verbis : *Per veram obedientiam*, fideliter, sicut oportet Christianum, observabo. De ordinatione vero ecclesiarum, et de terris vel censu, quae Constantinus Imp., vel Carolus s. Petro dederunt, et de omnibus ecclesiis vel praediis, quae apostolicae sedis ab aliquibus viris

Meanwhile Henry invaded Italy (March 1081), laid waste the lands of Matilda, Countess of Tuscany, without suffering himself to be turned aside by the appointment of a new pretender to the throne in the person of Herman of Luxemburg (Aug. 1081), which was effected through the influence of the Papal party in Germany; at last (1084) he conquered Rome, and there celebrated his triumph with his Pope Clement III. Robert Guiscard indeed relieved Gregory, who was shut up in the castle of St Angelo, but he found even Rome alienated from him, and closed his days at Salerno († 25th May 1085.)³⁹

vel mulieribus aliquo tempore sunt oblata vel concessa, et in mea sunt vel fuerint potestate, ita conveniam cum Papa, ut periculum sacrilegii et perditionem animae meae non incurram: et Deo sanctoque Petro adjuvante Christo dignum honorem et utilitatem impendam: et eo die, quando illum primitus videro, fideliter per manus meas *miles s. Petri et illius* efficiar. Yet he gives his legates to understand: de his si quid minuendum vel *augendum* censueris, non tamen praetermisso integro fidelitatis modo, et obedientiae promissione; potestati tuae et fidei, quam b. Petro debes, committimus. He even yielded about the marriage of priests: Quod vero de sacerdotibus interrogastis, placet nobis ut impraesentiarum, tum propter populorum turbationes, tum etiam propter bonorum inopiam, scilicet quia paucissimi sunt, qui fidelibus Christianis officia religionis persolvant, pro tempore rigorem canonicum temperando, debeatis sufferre. The reason alleged had existed from the first, but now the married priests must not be driven by proscription to join themselves to Henry's party.

³⁹ On these events see especially Bernold. Const. ann. 1081 ss., Stenzel i. 472. On Gregory's death, Paul. Bernried. c. 108, 110. According to his account, at the time of his death he absolved all persons who had been excommunicated by him, praeter Henricum Regem dictum et Guibertum apostolicae sedis invasorem, et omnes illas principales personas, quae aut consilio aut auxilio favent nequitiae vel impietati illorum, and departed this life with the words: Dilexi iustitiam et odivi iniquitatem, propterea morior in exilio. On the other hand, Agano, Bishop of Autun, who was with him at his death (see the fragment in Perz. Archiv. vii. 220), relates: ipso die sui transitus ecclesiam adiit, allocutusque—populum—primo de credulitate corporis et sanguinis Domini nostri, deinde de intentione totius sui operis, imposita sibi stola absolvit cunctos quocunque modo a se anathematizatos. We can well believe that in the prospect of death, Gregory did not only wish to assert his orthodoxy on the doctrine of the Lord's Supper, but also took a milder view of the strife he had been engaged in. It is also likely that the general absolution was afterwards disowned and restricted by his party. But a manuscript account which came into circulation in Germany (in Sigeib. Gembl. ad ann. 1085) is manifestly exaggerated, that in extremis suis—confessus est Deo et s.

Authors also come forward on both sides in this grand struggle to defend in writing the principles and the policy of their parties.⁴⁰ How greatly the relations betwixt the Papacy and the Empire had been changed in a short time, may be illustrated from the fact, that the decree of Nicolas II. on the Pope's election, which upon its first appearance was regarded as an encroachment on the Imperial rights, was now vindicated on the Imperial side, but on the Papal side was no longer considered satisfactory, and accordingly disclaimed.⁴¹

Petro et toti Ecclesiae, se valde peccasse in pastorali cura,—et suadente Diabolo contra humanum genus odium et iram concitasse.—Dimisit ac dissolvit vincula omnium bannerum suorum Imperatori et omni populo christiano, vivis et defunctis, etc. It is so far worthy of note, that it represents the view which many contemporaries took of the justice of the Papal usurpations. Comp. Sigfr. Hirsch de vita et scriptis Sigeberti Gembl. p. 139.

⁴⁰ See Stenzel I, 495. G. Cassander, *das Zeitalter Hildebrands für und gegen ihn*. Darmstadt, 1842. Besides the authors named at the beginning of this section, the following also should be pointed out. On Gregory's side especially, Anselmus Ep. Lucensis ($\dagger$ 1086) libb. ii. contra Guibertum Antipapam, pro defensione Gregorii VII., written 1084 (in Canisius-Basnage III. i., 369, and in bibl. PP. Lugd. xviii., 602.) Bernoldus Constant., monk in St Blasien, afterwards at Schaffhausen. By him, beside the apologeticus pro decretis Gregorii (in Gretseri opp. vi. 52. Mansi xx. 404), are many letters and short treatises most fully reported in Monumenta res Alemannicas illustrantia ii. 183. Bernardus, a scholastic in the Monastery of Peterhausen in Swabia, afterwards a monk in Hirschau, to whom probably the apologeticus super excommunicationem Gregorii VII. in Gretseri opp. vi. 29 belongs, see Monum. res Alem. illustr. t. ii. observatt. prae v. p. xxii.—On Henry's side, beside Sigebert of Gemblours (note 17 and 25), Weinrich, scholastic in Treves (note 17), and Waltram, Bishop of Naumburg (note 25), there is also Wido, afterwards Bishop of Osnabruck, de Wiberto an in sedem apostolicam legitime fuerit inthronizatus, et Hildebrandus juste reprobatus, in Udalrici cod. epist. nr. 172, in Eccard. ii., 184.

⁴¹ Compare Part I, § 23, note 10 and 12. When Desiderius, Abbot of Cassino (the future Pope Victor III.) appeared in the year 1082 before Henry IV. (chron. Casinense lib. iii. c. 50, in Muratori scriptt. rer. Ital. iv. 467), Otto, Bishop of Ostia, afterwards Urban II., reminded him of the privilegium Nicolai P.—ut nunquam Papa in Romana Ecclesia absque consensu Imperatoris fieret, quod si fieret, sciret se non pro Papa habendum esse, atque anathematizandum. Desiderius answered: Neque Papam, neque Episcopum aliquem,—nec ullum hominem hoc juste facere potuisse.—Quodsi hoc a Nicolao Papa factum est, nec pro humana stultitia potest aut debet amittere suam

To estimate aright Gregory's method of procedure against Henry, his conduct towards William the Conqueror, King of England, should be contrasted with it. This Prince maintained his supremacy over the Church of his country with an iron arm;⁴²

dignitatem Ecclesia, nec unquam debet a nobis hoc aliquatenus consentiri, nec Deo volente amplius fiet, ut Rex Alemannorum Papam constituat Romanorum. Comp. Anselmus Lucensis contra Guibertum Antipapam lib. ii. (bibl. PP. Lugd. xviii. 609): Sunt item qui objiciunt, Nicolaum juniorem decreto Synodi constituisse, ut obeunte apostolico Pontifice successor eligeretur, et electio ejus Regi notificaretur: facta vero electione, et, ut praedictum est, Regi notificata, ita demum Pontifex consecraretur. Quodsi admittendum est, ut ratione factum dicatur, objicimus ad hoc confutandum, praefatum Regem et optimates ejus se ea constitutione indignos fecisse. Then Nicolaum: quantum in se erat a papatu deposuerunt, et nomen ejusdem in canone consecrationis nominari vetuerunt. Besides, they had not governed themselves according to the decretal. Praeterea autem praefatus Wicbertus aut sui, ut suae parti favorem ascriberent, quaedam in eodem decreto addendo, quaedam mutando, ita illud reddiderunt a se dissidens, ut aut pauca aut nulla exemplaria sibi concordantia valeant inveniri. Quale autem decretum est, quod a se ita discrepare, videtur, ut, quid in eo potissimum credi debeat, ignoretur? Sed ut tandem invincibili gladio feriamus, praefatus Nicolaus, unus scilicet Patriarcha, cum quolibet Episcoporum concilio non potuit abrumpere imo nec mutare non obviantia fidei praefata decreta sanctorum quinque Patriarcharum—et sanctorum Patrum,—in quibus non inveniuntur quidquam regiae potestati in Pontificum electione seu promotione concessisse, imo, ut praedictum est, consentientibus cum eis christianissimis Imperatoribus et non contradicentibus, leguntur sub perpetuo anathemate vetuisse.—His itaque decursis patet praefatum decretum nullius momenti esse, nec unquam aliquid jurium habuisse. Et haec dicens non praejudico beatae memoriae Papae Nicolao, nec quidquam ejus honori derogo, Patrum sententias Dei spiritu conditas sequendo. Homo quippe fuit, eique, ut contra fas ageret, surripi potuit. Bonizo in Oefele ii. 818, says about the decreta Nicolai junioris, quibus anathemate interdictum ferunt, ut nemo adspirare audeat ad pontificatum Romanum, nisi ex consensu Regis ejusque filii, as follows: quod falsissimum esse omnibus modis declarabitur, quamvis et si verum esset, tamen nullius momenti esset. Nam etsi licet Romanis Pontificibus rigorem canonum temperare pro necessitate temporum, tamen non licet omnino destruere.—Sed bonae memoriae dominum Nicolaum ab hac liberemus infamia, et testibus idoneis cum talia non dictasse demonstramus, etc. The Cardinal Deusdedit asserted in the year 1090, as well as Anselm, that the constitution of Nicolas was corrupted by Guibert's party. See Baroni-
us ad ann. 1059, no. 31.

⁴² Eadmeri (a monk of the Clugniac order at Canterbury, afterwards Bishop of St Andrews in Scotland, about 1120) historia novorum lib. i. (under Anselmi opp. ed. Gerberon p. 29): Usus atque leges, quas

and the Primate Lanfranc, Archbishop of Canterbury, did not feel himself bound to be made a martyr in behalf of Gregory, the supporter of his adversary Berengarius,⁴³ and his new commands.⁴⁴ Accordingly the law of celibacy received important limitations at

patres sui et ipse in Normannia habere solebant, in Anglia servare volens, de hujusmodi personis Episcopos, Abbates et alios Principes per totam teram instituit, de quibus indignum judicaretur, si per omnia suis legibus, postposita omni alia consideratione, non obedirent, et si ullus eorum pro quavis terreni honoris potentia caput contra eum levare auderet, scientibus cunctis, unde, qui, ad quid assumpti fuerint. Cuncta ergo divina simul et humana ejus nutum expectabant.—Non ergo pati volebat, quemquam in omni dominatione sua constitutum Romanae urbis Pontificem pro apostolico, nisi se jubente, recipere, aut ejus literas, si³ primitus sibi ostensae non fuissent, ullo pacto suscipere (the first trace of the royal pleas). Primatem quoque regni sui, Archiepiscopum dico Cantuariensem, si coacto generali Episcoporum Concilio praesideret, non sinebat quicquam statuere aut prohibere, nisi quae suae voluntati accommoda, et a se primo essent ordinata. Nulli nihilominus Episcoporum suorum concessum iri permittebat, ut aliquem de Baronibus suis seu Ministris, sivi incesto, sive adulterio, sive aliquo capitali crimine denotatum, publice nisi ejus praecepto implacitaret aut excommunicaret, aut ulla ecclesiastici rigoris poena constringeret.—Lanfrancus inter alios, immo prae aliis, erat memorato Regi Wilhelmo acceptus. How William had unseated the Anglo-Saxon prelates, and robbed the churches, see Lappenberg, *Hist. of England*, ii. 96, 100.

⁴³ Part i. § 29, note 22.

⁴⁴ The Papal Legate Hubert, in the year 1079, had brought with him a brief to Lanfranc (Gregorii lib. vi. ep. 30), in which the Pope, with reproaches for not having already appeared in Rome, commands him to come. Lanfranc's answer (in Lanfr. opp. ed. Dacherii ep. 8, ed. Giles. ep. 11) turns aside the reproaches with startling coolness, makes no reply whatever to the command, and concludes: Verba legationis vestrae cum praefato legato vestro, prout melius potui, domino meo Regi suggesti, suasi, sed non persuasi. Cur autem voluntati vestrae omnifariam non assenserit, ipsemet vobis tam verbis, quam literis innoscit (see below, note 47). Lanfranci ep. 59 ed. Dacherii, 65 ed. Giles ad Hug. . . (most likely 1081 to the Cardinal Hugo Blancus): Non probo, quod Papam Gregorium vituperas, quod Hildebrandum eum vocas, —quod Clementem tot et tantis praeconis tam prope exaltas.—Adhuc incognitum est humano generi, quales nunc sint et quales futuri sint in conspectu Dei. Credo tamen, quod gloriosus Imperator sine magna ratione tantam rem non est aggressus patrare, nec sine magno auxilio Dei tantam potuit victoriam consummare. Non laudo, ut in Anglicam terram venias, nisi a Rege Anglorum licentiam veniendi prius accipias. Nondum enim insula nostra priorem refutavit: nec utrum huic obedire debeat, sententiam promulgavit. Auditis utrimque causis, si ita contigerit, perspicacius quid fieri oporteat, provideri valebit.

the Synod of Winchester (1076)⁴⁵ The King refused the Bishops commissioned from it to Rome, permission for their journey. He continued to exercise the right of investing Prelates.⁴⁶ He answered the Pope's aggressions with cutting coolness.⁴⁷ Still Gregory ventured to make no more attempts on this powerful monarch, glad enough that the king on his side advanced no further.⁴⁸

⁴⁵ Conc. Wintoniense ann. 1076 under Lanfranc's presidency (Mansi xx., 462): *Decretum est, ut nullus canonicus uxorem habeat. Sacerdotum vero in castellis vel in vicis habitantium habentes uxores non cogantur ut dimittant; non habentes interdicanur ut habeant; et deinceps caveant Episcopi, ut Sacerdotes vel Diaconos non praesumant ordinare, nisi prius profiteantur, ut uxores non habeant.*

⁴⁶ Gervasius Cantuariensis Mon. (about 1201) de discordiis inter Monachos Cantuar. et Baldwinum Archiepisc. (scriptt. x. Anglici. Lond. 1652, fol. p. 1327): *Petivit (Lanfrancus) Regem (Guilelmum), ut sibi donationem abbatiæ concederet, sicut omnes praedecessores suos constat habuisse. Respondit Rex et dixit, se velle omnes baculos pastorales Angliæ in manu sua tenere. Lanfrancus ad haec miratus est, sed propter majores Ecclesiae Christi utilitates, quas sine Rege perficere non potuit, ad tempus siluit.*

⁴⁷ Guilelmi R. ep. ad Gregorium in Baronius ann. 1079 no. 25: *Hubertus legatus tuus, religiose Pater, ad me veniens ex tua parte me admonuit, quatenus tibi et successoribus tuis fidelitatem facerem, et de pecunia, quam antecessores mei ad Romanam Ecclesiam mittere solebant, melius cogitarem. Unum admisi, alterum non admisi. Fidelitatem facere nolui, nec volo: quia nec ego promisi, nec antecessores meos antecessoribus tuis id fecisse comperio. Pecunia tribus fere annis in Galliis me agente, negligenter collecta est. Nunc vero divina misericordia me in regnum meum reverso, quod collectum est, per praefatum mittitur, et quod reliquum est, per legatos Lanfranci Archiepiscopi fidelis nostri, cum oportunum fuerit, transmittetur. Thereupon Gregory writes, lib. vii. ep. i. to Hubert his Legate, dd. 24 Sept. 1079:—pecunias sine honore tributas quanti pretii habeam, tu ipse optime potuisti dudum perpendere.—Verum multa sunt, unde s. Romana Ecclesia adversus eum queri potest. Nemo enim omnium Regum, etiam paganorum, contra apostolicam sedem hoc praesumsit tentare, quod is non erubuit facere; scilicet ut Episcopos, Archiepiscopos ab Apostolorum liminibus ullus tam irreverentis et impudentis animi prohiberet.*

⁴⁸ Lib. vii. ep. 23 ad Guilelm.: (—*gemma principum esse meruisti.*) —ep. 25, ad eund. ep. 26, ad Mathildem Regin. Angl. ep. 27, ad Robert. Regis Angl. filium, all of the year 1080. Comp. especially lib. ix. ep. 5, ad Hugonem Diensem Episc., in the year 1081. This Legate had suspended the Norman Bishops, because, when summoned to a Council, they did not appear. Gregory charges him to restore them so as not to exasperate King William. Rex Anglorum licet in

§ 48.

VICTOR III. (1085—1087.) URBAN II. (1088—1099.)

After Gregory's death Henry IV. at first held so decided an ascendancy in Germany as well as in Italy, and Gregory's successors, Victor III. and Urban II.¹ were pressed so closely by the Imperial pope, Clement III.,² that the Gregorian party began to wish for peace.³

However, the posture of affairs soon after changed in favour of this party. In Italy they had already gained the upper hand, since they had drawn over to their side Henry's son, Conrad, and raised him (1093) to the kingdom of Italy.⁴ But Urban II.

quibusdam non ita religiose, sicut optamus, se habeat; tamen—caeteris Regibus se satis probabiliorem ac magis honorandum ostendit. Unde non indignum debet existimari, postestatem illius mitius esse tractandam.—Quare volumus, ut fraternitas vestra supra memoratis Episcopis—restitutionis literas mittat: et prae fatum Regem in talibus ulterius sine assensu nostro non exasperet. Videtur enim nobis multo melius atque facilius lenitatis dulcedine ac rationis ostensione, quam austeritate vel rigore justitiae illum Deo lucrari, et ad perpetuum b. Petri amorem posse provocari.

¹ Urbani II., vita by Ruinart in the posthumous works of J. Mabillon and Th. Ruinart, vol. iii. (Paris, 1724. 4.), p. 1—410.

² Schlosser's Weltgesch. iii. 1, 200.

³ Bernoldus Const. ad. ann. 1089: Sed jam aliquantulum diuturna regni discordia inter catholicos et schismaticos tepescere coepit, ut non jam bellum ad invicem, sed pacem componere sanius judicaret. Quapropter Duces et Comites s. Petro fideles cum Heinrico colloquium habuerunt, eique suum consilium et auxilium ad obtinendum regnum firmissime promiserunt, si Guibertum haeresiarcham vellet dimittere, et ad ecclesiasticam communionem per catholicum pastorem remeare. Quam quidem conditionem nec ipse multum respuit: si tamen in hoc ei Principes assentiri vellent, videlicet Episcopi, qui se cum Guiberto deponendos esse non dubitaverunt, eo quod in ejus parte ordinationem, immo execrationem, perceperunt. Hi ergo ei penitus hac vice dissuaserunt, ne s. matri Ecclesiae reconciliaretur. Henry could not allow the bishops devoted to him to fall, and receive instead his enemies the Papal antibishops.

⁴ Ekkehardus ad ann. 1099, in Pertz viii., 211: Chuonradus causam rebellionis suae paucis tantum sibi que familiarissimis in regno detegens,—per quasdam Italiae partes et nomen et dignitatem Regis

became almost all-powerful in the west, when the enthusiasm for the crusades, issuing from his throne, seized on the spirits of all men with a powerful influence, and bound them to him with fresh bonds as the head of the church militant.⁵

annis fere novem obtinuit.—Murmur, quod per totum Romanum imperium patris sui mores laniabat, quodque ipsum sibi offensae patris ac suae ab illo discessionis causa extitit, auribus propriis nunquam patiebatur inferri, semper illum dominum suum et Caesarem vel Imperatorem cognominans, etc. On the licentiousness of Henry, see *vita Conradi Archiep. Salisburg. c. 2.* (in *Pez anecdot. ii. iii. 224*): primum locum gratiae apud Imperatorem habebant nobiles ac speciosae Abbatissae et moniales, necnon et aliae mulieres, forma et genere clarissimae, quae ideirco curiam sequebantur, eo quod venalis eis esset pudicitia et decus formae, et ad earum favorem et intercessionem darentur episcopatus, abbatiae, praepositurae et caeteri ecclesiastici honores, (that this passage refers to Henry IV., not Henry V. See *Stenzel ii. 134*). Nevertheless the reasons, which Dodechinus (abbot of Disenberg, about 1200) in his append. ad *Mariani Scotti chron. ann. 1093* (in *Pistorius Struve i., 661*), suggests for Conrad's defection, are manifestly poisonous fabrications against Henry. *Otbertus de vita Henrici IV.* (in *Goldasti apol. p. 214*): *Filius Imperatoris*—a *Mathilde persuasus*—*junctus inimicis patris*, etc. *F. v. Raumer's Gesch. der Hohenstaufen und ihrer Zeit. i. 235. Stenzel ii. 159.*

⁵ Among the western sources of history for the crusades, the most important are *Willermi Archiep. Tyrensis hist. rerum in partibus transmarinis gestarum* down to 1180 in *xxiii. libb.*, and *Jacobi de Vitriaco* (at last cardinal, † 1244) *historiae orientalis et occident. libb. iii.*, down to 1218. They are gathered together in *Gesta Dei per Francos s. orientalium expeditionum et regni Francorum Hierosolymitani hist.* (coll. *Jac. Bongars*) *Hanoviae 1611. t. ii. fol.* A wider collection has been begun: *Recueil des historiens des croisades*, publié par les soins de l'académie royale des inscriptions et belles lettres. *Historiens occidentaux, t. i. in 2 parties, Paris, 1844, fol.* (It comprises only *Willermus Tyr.* After the western sources, the Greek and Oriental will follow all of them with a French translation.) Works: *Fr. Wilken's Gesch. der Kreuzzüge. Leipzig, 1807—1832, 7 Theile* *Histoire des croisades par M. Michaud, 4 parties in 5 voll. 4ème édit. corrigée et augmentée. Paris, 1825.* To this joins on the *bibliographie des croisades par Michaud, 2 vols. Paris, 1822.* And the *bibliothèque des croisades par Michaud, 4 Parties, Paris 1829*, (a book of reference to the sources and extracts from them. *Partie iv.* has also appeared by itself under the title, *Extraits des historiens Arabes relatifs aux guerres des croisades par M. Reinaud.*) Beside these for the first crusade, there is *Schlosser's Weltgesch. iii. 1, 128.* *Raumer's Gesh. der Hohenstaufen, i. 37.* *H. von Sybel's History of the first Crusade, Düsseldorf, 1841.* (It begins with a critique on the sources and literature of the period.)

The cruelties exercised by the infidels against the pilgrims in Palestine, especially since the barbarous Seljukians came to power (1073), had long ere now raised hatred and exasperation in the western world.⁶ But Peter the hermit, delegated with full power from Urban II. (1094), blew the spark into flame. The Synods at Piacenza⁷ (March 1095), and Clermont (Nov. 1095),⁸ accomplished the work: and forthwith a countless host, doubtless in part actuated as much by love of adventure, oppression in Fatherland, and thirst for gain, as by religious enthusiasm,⁹ was ready to follow the beck of the Pope.

⁶ The first idea of a crusade is found in Sylvestri P. ii., epist. ex persona Hierusalem devastatae ad universalem Ecclesiam in the year 999 (in Bouquet x. 426.)—Then Gregorii P. vii., lib. ii. ep. 31, ad Henricum R. in the year 1074 (compare Sybel s. 188.) Cron. Casin. iii., c. 71: Victor iii. (1086) de omnibus fere Italiae populis Christianorum exercitum congregans, atque vexillum b. Petri Apostoli illis contradens, sub remissione omnium peccatorum contra Saracenos in Africa commorantes direxit.

⁷ Bernold. Const. ad ann. 1095.

⁸ There is a description of this council by the eye-witness Baldric, bishop of Dol in Brittany, in his historia Jerosolimitana (in Bongars i. 86), and by the contemporary Robert, monk of Rheims, Hist. Hierosolym. lib. i. (ib. p. 31), Fulcherius Carnotensis gesta peregrinantium Francorum (ib. p. 382), Guibertus, Abb. monasterii s. Mariae Novigenti, hist. Hierosolym. (ib. p. 478), Ekkehardi chron. in Pertz viii. 211.—With regard to wearing the cross as a badge, Baldricus l. c. p. 88: statim omnes in vestibus superamictis consuerunt sanctae crucis vexillum. Sic etenim Papa praeceperat, et ituris hoc signum facere complacuerat: quippe praedicaverat summus Pontifex, dominum dixisse sequacibus suis: si quis non bajulat crucem suam et venit post me, non potest meus esse discipulus (Luc. xiv. 27.) Idcirco debetis, inquit, vobis crucem coaptare vestris in vestibus: quatenus et ex hoc tutiores incedatis, et his, qui viderint, exemplum et incitamentum suggeratis.—The general indulgence may be found in Can. Claromontanus ii. (Mansi xx. 816.) Quicumque pro sola devotione, non pro honoris vel pecuniae adeptione, ad liberandam Ecclesiam Dei Jerusalem profectus fuerit, iter illud pro omni poenitentia [ei] reputetur. Also in the speech of Urban in Willerm. Tyr. lib. i. (in Bongars i. 640): Nos autem de misericordia Domini, et bb. Petri et Pauli Apostolorum auctoritate confisi, fidelibus Christianis, qui contra eos arma susceperint, et opus sibi hujus peregrinationis assumsint, injunctas sibi pro suis delictis poenitentias relaxamus. Qui autem ibi in vera poenitentia decesserint, et peccatorum indulgentiam et fructum aeternae mercedis se non dubitent habituros.

⁹ Baldricus l. c. p. 88: quaedam Christianis intima inspirabatur voluntas, ut paene omnes iter arriperent, si stipendiorum facultas eis

As director of this spiritual agitation issuing on the world's scene with overpowering might, and as general-in-chief of the crusading army now in process of formation, Urban acquired an immense degree of power.¹⁰ In full consciousness of this power,

suppeteret. Laetabantur patres, filiis abscedentibus; gaudebant uxores, abeuntibus maritis dilectissimis, plusque tristabantur, quod remanebant. —Excessit tamen medicina modum, quia plusquam debuit in quibusdam eundi voluntas surrepsit. Nam et multi heremitae et reclusi et monachi domiciliis suis non satis sapienter relictis ire viam perrexerunt: quidam autem orationis gratia ab Abbatibus suis accepta licentia profecti sunt, plures autem fugiendo se subdlexerunt. Multi etiam de gente plebeja crucem sibi divinitus innatam jactando ostentabant, quod et idem quaedam ex mulierculis praesumserunt: hoc enim falsum deprehensum est omnino. Multi vero ferrum calidum instar crucis sibi adhibuerunt, vel peste jactantiae, vel bonae suae voluntatis ostentatione. Sed de his, ut libet. Talibus enim rumoribus concursus euntium in tantum augmentabantur, ut jam esset numerus innumerus. Ekkehardus in Pertz viii. 213: Francigenis Occidentalibus facile persuaderi poterat sua rura relinquere. Nam Gallias per annos aliquot nunc seditio civilis, nunc fames, nunc mortalitas nimis afflixerat, postremo plaga illa, quae circa Nivalensem s. Gertrudis ecclesiam orta est, usque ad vitae desperationem terruerat (an epidemic sickness.) Reliquarum nationum plebes vel personae, aliae praeter apostolicum edictum prophetis quibusdam inter se nuper exortis seu signis caelestibus ac revelationibus ad terram se repromissionis vocatas, aliae se quibusvis incommoditatibus ad talia vota compulsos fatebantur: magna quippe pars eorum cum conjugibus ac prole totaque re familiari onusti proficiscebantur. Petrus Diac. in chron. Casin. lib. iv., c. 11: Fertur autem commotionem hanc apud Gallias occasione quorundam poenitentium principium accepisse. Qui videlicet propterea quod de innumeris sceleribus digne apud suos poenitere nequibant, et quod sine armis, utpote saeculares, inter notos conversari vehementer erubescabant, auctoritate atque consilio s. memoriae P. Urbani—ultramarinum iter ad sepulcrum Domini a Saracenis eripiendum, in poenitentiam et remissionem peccatorum suorum illis injunctum, fide promptissima se arripere spoponderunt, certi et indubii redditi, quod quicquid adversi, quicquid periculi, quicquid denique incommodi illis contingeret, loco poenitentiae a Domino recipiendum, etc. Willelm. Tyr. lib. i. (in Bongars i. 641): Nec tamen apud omnes erat in causa Dominus, et virtutum mater discretio votum excitabat: sed quidam ne amicos desererent, quidam ne desides haberent, quidam sola levitatis causa, aut ut creditores suos—declinantes eluderent, aliis se adjugebant. Wilken i. 59.

¹⁰ From Urban's speech at Clermont, Willelm. Tyr. p. 640: Interim vero eos, qui ardore, fidei ad expugnandos illos laborem istum assumerint, sub Ecclesiae defensione et bb. Petri et Pauli protectione, tanquam verae obedientiae filios recipimus, et ab universis inquietationibus, tam in rebus, quam in personis, statuimus manere securos. Si vero quisquam

he renewed at Clermont, in Philip's own dominions, the sentence of excommunication pronounced against this monarch, for his marriage with Bertrada,¹¹ and, in the spirit of Gregory VII., abolished every trace which yet remained unremoved of the dependence of the clergy upon the laity.¹² Wherever the

molestare eos interim ausu temerario praesumserit, per Episcopum loci excommunicatione feriatur, et tamdiu sententia ab omnibus observatur, donec et ablata reddantur, et de illatis damnis congrue satisfiat. Compare again the story of the Chron. Casauriense, written about the year 1182, lib. v. init (in Muratorii scriptt. rer. Ital. II. ii., 872): Urbanus dolens, quia Saraceni occupaverant s. civitatem Hierusalem, —praedicavit remissionem peccatorum, et vice sibi tradita a Deo omnibus dedit, quicumque Hierusalem tenderent, et civitatem et terram transmarinam, quae a Saracenis possidebatur, liberarent. Adji-ciens etiam hoc, ut si quisquam in via, sive in pugna, pro Christo moreretur, in numero Martyrum absolutus ab omnibus peccatis suis computaretur. Et dum totus mundus post eum curreret, avidus remissionem peccatorum accipere, et in numero ss. Martyrum esse, contigit, ut hoc praedicans praedictus summus Pontifex devenerit Thyetum.—Quod agnoscens Grinoaldus (Abbas monast. Casaur.) accessit ad eum, et expositis calamitatibus Ecclesiae suae et destructione funditus, cum maxima reverentia a praedicto P. Urbano susceptus est, et sub protectione Romanae Ecclesiae, quam hactenus Abbatia s. Clementis ignoraverat, quia ab Imperatoribus gubernabatur, meruit collocari. Hic primus ab illo in Abbatem consecratus, baculum pastoralem in loco sceptri regalis, quod antecessores sui, et ipse ex dono Imperatoris in dextera portabant, suscepit, etc. In the Chronicle this scene is represented as happening in the year 1098; on this occasion the following remarkable words are put into the mouth of Urban (p. 771):

Caesaris ob sceptrum baculum tibi porrigo dextrum,
Quo bene sis fretus: plus Caesare dat tibi Petrus.

¹¹ With regard to the whole story, especially with a view to refute the idea which sprung up in the 15th century, that during Philip's excommunication the public documents were not inscribed, regnante Philippo, but regnante Christo, see David Blondellus de formulae Regnante Christo in veterum monumentis usu. Amstelod. 1646. 4. p. 1—319.

¹² The way was made for this in Concil. Melfitan. ann. 1090, can. 11 (Mansi xx. 723): Ne gravamen aliquod sancta patiatur Ecclesia, nullum jus laicis in clericos esse volumus et censemus. Unde cavendum est, ne servilis conditionis aut curialium officiorum obnoxii ab Episcopis promoveantur in clerum.—Quod si forte clericorum aliquis cujuslibet laici possessionibus usus fuerit, aut vicarium, qui debitum reddet, inveniat, aut possessione cedat, ne gravamen Ecclesiae inferatur. Can. Clarom. xvii.: Ne Episcopus vel Sacerdos Regi vel alicui laico in manibus ligiam fidelitatem faciat. (According to Maimbourg, hist. de la décadence de l'Empire après Charlemagne, and de Marca de Conc.

crusading enthusiasm penetrated, judgment was passed against Henry IV., and Clement III., his Pope. Thus, though Henry still maintained his ascendancy in Germany,¹³ Clement III. was hunted out of Rome by a crusading army,¹⁴ and lost all his influence in Italy († 1100.) However, even this turn of affairs failed to induce Roger, Count of Sicily, to surrender his seignorial rights in ecclesiastical matters. And in order to preserve this indispensable ally, Urban granted him the rank of Papal Legate in Sicily (1098 *monarchia ecclesiastica Siciliæ*.)¹⁵

Sac. et Imp. lib. viii. c. 21, § 4. Gregory VII. had already forbidden this. See on the other side Enr. Noris *istoria delle investiture*. Mant. 1741, fol. p. 279.) The reason which the Pope urges for this purpose is the same according to Roger de Hoveden, only more strongly expressed, with that which Hincmar had already laid down (see Part I, § 24, note 5.) Nevertheless this canon has never been brought into legal use, see de Marca, l. c. ss.—Besides can. *Clarom. xv.*: *Ut nullus ecclesiasticum aliquem honorem a manu laicorum accipiat. xvi.*: *Interdictum est, ne Reges vel alii Principes aliquam investituram de ecclesiasticis honoribus faciant.*

¹³ Ekkehardus in Pertz viii. 214: *Orientalibus autem Francis, Saxonibus et Thuringis, Bajoariis et Alemannis hæc buccina minime insonuit propter illud maxime schisma, quod inter regnum et sacerdotium a tempore Alexandri Papæ usque hodie tam nos Romanis, quam Romanos nobis invisos et infestos jam heu! confirmavit. Inde est, quod omnis paene populus Teutonicus, in principio profectionis hujus causam ignorantes, per terram suam transeuntes tot legiones equitum, tot turmas peditum, totque catervas ruricularum, feminarum ac parvulorum, quasi inaudita stultitia delirantes, subsannabant, utpote qui pro certis incerta captantes, terram nativitatæ vane relinquerent, terram repromissionis incertam certo discrimine appeterent, renuntiarent facultatibus propriis inhiarent alienis. Sed quamvis nostra gens caeteris multo sit insolentior, respectu tamen miserationis divinæ inclinatur tandem ad verbum ejusdem remunerationis furor Teutonicus, a commeantium scilicet turbis rem ad integrum edoctus.*

¹⁴ Fulgerius Carnot. (in Bongars i. 384), Otto Frising. viii. cap. 6. The manner in which Fanaticism had overturned all moral perception, is especially well shown, by the declaration Urbani II. ad Godofred. Ep. Lucanum (in Gratiani decret. P. ii. caus. xxiii. qu. v. c. 47): *Non enim eos homicidas arbitramur, quos adversus excommunicatos zelo catholice Matris ardentes, aliquos eorum trucidasse contigerit.*

¹⁵ On this point writes the cotemporary Gaufredus Malaterra in his *hist. Sicula* lib. iv. c. 29, (in Murator. ser. rer. Ital. v. 601.) In *Urbans Privilegium* (l. c. and in Mansi xx. 659) we find this: *Quia—probitas tua—s. sedî apostolicæ devotam se multis modis semper*

The mighty crusading army actually conquered Jerusalem (15. July 1099), and there rose a kingdom of Jerusalem, in which the Pope exercised considerable influence even over secular affairs.

§ 49.

PASCHAL II. (1099—1118.)

Paschal II. maintained the same principles, but not the same firmness as his immediate predecessors. Philip, King of France, who had renewed his connection with Bertrada, he caused indeed to be excommunicated by his Legates at the Synod of Poitiers (1100),¹ and thus compelled him to obedience (1104).² But soon after Philip was living again publicly in marriage with Bertrada, without being further troubled by Paschal.³ He brought the struggle of Anselm, Archbishop of Canterbury, with Henry I., King of England, about investiture and oaths⁴ of

exhibuit, nos in specialem atque carissimum filium ejusdem universalis Ecclesiae te assumimus. Idecirco de tuae probitatis sinceritate plurimum confidentes, sicut verbis promisimus, ita etiam literarum auctoritate firmamus: quod omni vitae tuae tempore, vel filii tui Simonis, aut alterius, qui legitimus tui haeres exstiterit, nullum in terra potestatis vestrae, praeter voluntatem aut consilium vestrum, legatum Romanae Ecclesiae statuemus: quin immo, quae per legatum acturi sumus, per vestram industriam legati vice exhiberi volumus, quando ad vos ex latere nostro miserimus etc. Against the integrity of this document and the natural meaning of it writes Baronius ann. 1097 no. 18—143 (for this reason vol. xi. was forbidden in Spain 1610, and this Excursus is left out in the Antwerp edition of 1647.) No. 37 naively and truly enough says: Potuitne (Urbanus) tanta concessisse Rogerio, quorum partem aliquam tantum si Imp. Henrico—cessisset, pacem proculdubio universalis Ecclesiae redemisset, et tot tantisque cladibus afflictam diutius Ecclesiam liberasset? Against Baronius L. E. du Pin *défense de la monarchie de Sicile contre les entreprises de la Cour de Rome. Amsterdam. (Lyon) 1716*, in 4 and 12.

¹ Mansi xx. 1117: Blondellus de formula Regn. Christo. p. 54.

² About Conc. Balgenciense (at Beaugenci) in the year 1104, see Ivonis epist. 144 ad. Paschalem P. — Concil. Parisiense in the year 1105. Mansi xx. 1193.

³ Blondellus l. c. p. 61.

⁴ Concerning Anselm's former quarrel with William Rufus, as well as this one above mentioned, see Anselm's bosom friend Eadmer *historia*

fealty, to an end, by sanctioning the latter (1106.)⁵ The French Bishops, among whom a more moderate view of the controversies

novorum (libb. vi. 1066—1122) and ejusd. de vita s. Anselmi libb. ii., both given under Anselmi opp. ed. G. Gerberon, Paris, 1675 and 1721, fol. Möhler's *Schriften und Aufsätze* herausgeg. v. Döllinger i. 87. Lappenberg's *Gesh. v. England* ii. 193, 248. Gu. R. Veder diss. de Anselmo Cantuar. Lugd. Bat. 1832, 8, p. 34. F. R. Hasse's *Anselm of Canterbury* (Leipzig 1843) i. 292.

⁵ Anselm had brought with him from Italy, where he had resided from 1097—1100, the new maxims about the oath of fealty (see § 48, not. 12.) How they were received in England (see in Anselmi lib. iii. ep. 47, ad Paschalem P. (falsified in Gerberon's edition, pure in Wharton *Anglia sacra* ii., 178): *Postquam revocatus ad episcopatum rediit in Angliam, ostendi decreta apostolica, quae in Romano concilio praesens audivi: ne scilicet aliquis de manu Regis aut alicujus laici Ecclesiarum investituras acciperet, ut pro hoc ejus homo fieret; nec aliquis haec transgredientem consecrare praesumeret. Quod audientes Rex et Principes ejus, ipsi etiam Episcopi et alii minoris ordinis tam graviter acceperunt, ut assererent, se nullo modo huic rei assensum praebituros, et me de regno potius quam hoc servarent expulsuros, et a Romana Ecclesia se discessuros. Unde, reverende Pater, vestrum petii per epistolam nostram consilium etc.* Epist. Henrici ad Paschalem P. ann. 1103, from Brompton (about 1326) chron. in Rymer *foedera etc. Regum Angliae* ad h. a. He promises the Pope *eos honores et eam obedientiam, quam tempore patris mei antecessores vestri in regno Angliae habuerunt,—eo videlicet tenore, ut dignitates, usus et consuetudines, quas pater meus—in regno Angliae habuit, ego—integre obtineam. Notumque habeat Sanctitas vestra, quod me vivente, Deo auxiliante, dignitates et usus regni Angliae non minuentur. Et si ego, quod absit, in tanta me dejectione ponerem, optimates mei, immo totius Angliae populus id nullo modo pateretur. Habita igitur, carissime Pater, utiliori deliberatione, ita se erga nos moderetur benignitas vestra, ne—a vestra me cogatis recedere obedientia.* The King's firmness prevailed at length 1106 Paschalis ep. ad Anselmum dd. x. Kal. April. in Eadmeri hist. nov. lib. iv. p. 74 in Mansi xx., 1003: *Te autem, frater in Christo venerabilis et carissime, ab illa prohibitione sive, ut tu credis, excommunicatione absolvimus, quam ab antecessore nostro s. memoriae Urbano P. adversus investituras aut hominia factam intelligis. Tu vero eos, qui investituras acceperunt, aut investitos benedixerunt, aut hominia fecerunt,—suscipito, et eos vice nostrae auctoritatis absolvo:—si qui vero deinceps praeter investituras Ecclesiarum praelationes assumerint, etiamsi Regi hominia fecerint: nequaquam ob hoc a benedictionis munere arceantur, donec per omnipotentis Domini gratiam ad hoc omittendum cor regium tuae praedicationis imbribus molliatur.*—Eadmer p. 76 thus illustrates this passage: *Papa—concesserat hominia, quae Urbanus P. acque ut investituras interdixerat, ac per hoc Regem sibi de investituris consentaneum fecerat.* At a Synod in London 1107 the new arrangement was solemnly proclaimed. Eadmer l. c.

of the time generally prevailed,⁶ gave him credit for great consideration.⁷

⁶ Compare the opinion of Ivo Bp. of Chartres, distinguished among the French Bishops for his learning, particularly in canon law, ep. 69, ad Hugonem Archiep. Lugdun. sedis apost. legatum (in the year 1099): Factum est, ut imperastis, et manus a consecratione Senonensis electi continuimus.—Quod autem scripsisti, praedictum electum investituram episcopatus de manu Regis accepisse, nec relatum nobis ab aliquo qui viderit, nec cognivim. Quod tamen si factum esset, cum hoc nullam vim sacramenti gerat in constituendo Episcopo; vel admissum, vel omissum, quid fidei, quid sacrae religioni officiat, ignoramus, cum post canonicam electionem Reges ipsos apostolica auctoritate a concessione episcopatum prohibitos minime videamus. Legimus enim, sanctae recordationis summos Pontifices aliquando aequo Reges pro electis Ecclesiarum, ut eis ab ipsis Regibus concederentur episcopatus, ad quos electi erant, intercessisse; aliorum, quia concessiones Regum nondum consecuti fuerant, consecrationes distulisse.—Domnus quoque Papa Urbanus Reges tantum a corporali investitura excludit, quantum intelleximus, non ab electione, in quantum sunt caput populi, vel concessione: quamvis octava synodus solum prohibeat eos interesse electioni, non concessioni. Quae concessio sive fiat manu, sive nutu, sive lingua, sive virga, quid refert? cum Reges nihil spirituale se dare intendant, sed tantum aut votis petentium annuere, aut villas ecclesiasticas et alia bona exteriora, quae de munificentia Regum obtinent Ecclesiae, ipsis electis concedere.—Quodsi haec aeterna lege sancita essent, non esset in manu praesidentium, ut ea in quibusdam districte judicarent, in quibusdam misericorditer relaxarent, ipsis in honore accepto permanentibus, contra quos ista loquuntur. Nunc vero quia ea illicita maxime facit praesidentium prohibitio, licita quoque eorundem pro sua aestimatione remissio: videmus nullos aut paene nullos pro hujusmodi transgressione damnatos, plurimos autem vexatos, plurimas ecclesias spoliatas, plurima scandala exorta, divisum regnum et sacerdotium, sine quorum concordia res humanae nec incolumes esse possunt nec tutae.—Sed hoc vellem cum multis mecum pie sentientibus, ut Romanae Ecclesiae ministri tanquam probati medici majoribus morbis sanandis intenderent, et non ab irrisoribus suis audirent: *culicem excolantes et camelum glutientes, mentam, rutam, cinimum et anetum decimatis, graviora autem legis praecepta praetermittis*: cum per totum paene mundum flagitia et facinora videamus publice perpetrari, nec ea a vobis aliqua justitiae falce rescari. For this reason he speaks zealously ep. 236, against the opinion of those who call lay investiture a heresy, and reckons the prohibition of investitures among those points quae aeterna lege sancita non sunt, sed honestate et utilitate Ecclesiae instituta vel prohibita. Ivo's friend Hugo Mon. Floriacensis, considered even the nomination of Bishops by the King unobjectionable, see his tract de regia potestate et sacerdotali dignitate (Baluz. miscell. lib. iv. p. 9) cap. 5: Igitur Rex instinctu Spiritus sancti potest, sicut existimo, praesulatus honorem religioso clerico tribuere: animarum vero curam Archiepiscopus debet ei committere.

Against the Emperor Henry IV.,⁸ Paschal unceasingly summoned all his resources.⁹ But his anathemas seemed to be

Qua discreta consuetudine usi sunt quondam quique christianissimi Reges et Principes in promovendis viris ecclesiasticis atque sanctissimis usque ad haec tempora nostra.

⁷ Ivonis Carnot. epist. 190 ad Paschalem (in Baron. ann. 1106 no. 50), on the installation of Rudolf, archbishop of Rheims. Plenariam pacem impetrare nequivimus, nisi praedictus Metropolitanus per manum et sacramentum eam fidelitatem Regi faceret, quam praedecessoribus suis Regibus Francorum antea fecerant omnes Rhemenses Archiepiscopi, et caeteri regni Francorum quamlibet religiosi et sancti Episcopi. Quod persuadentibus et impellentibus totius Curiae optimatibus, etsi propter mandatorum rigorem minus licebat, factum est tamen, quia ecclesiasticae paci et fraternae dilectioni sic expediebat.—Petimus ergo —ut hoc eodem intuitu caritatis et pacis veniale habeat paterna moderatio, quod illicitum facit non aeterna lex, sed intentione acquirendae libertatis praesidium sola prohibitio, etc.

⁸ For what follows, comp. Planck iv. 1, 251. Stenzel i. 571.

⁹ He pronounced sentence of excommunication repeatedly against Henry, and particularly the Bull *coena Domini* in ecclesia Lateranensi (Ekkehardus ad ann. 1102.) How much the enthusiasm for the crusades here served him instead, appears from the seventh epistle of Paschal ad Robertum Flandrensium Comitem (Mansi xx. 986): Benedictus Dominus Deus Israel, qui in te virtutis suae efficaciam operatur, qui reversus Jerusalem Syriae in caelestem Jerusalem justae militiae operibus ire contendis. Hoc est legitimi militis, ut sui Regis hostes instantius persequatur. Gratias ergo prudentiae tuae agimus, quod praeceptum nostrum in Cameracensi parochia exsecutus es: id ipsum de Leodiensibus excommunicationis pseudoclericis praecipimus. Justum enim est, ut, qui semetipsos a catholica Ecclesia segregarunt, per catholicos ab Ecclesiae beneficiis segregentur. Nec in hac tantum parte, sed ubicunque poteris, Henricum haereticorum caput, et ejus fautores pro viribus persequaris. Nullum profecto gratius Deo sacrificium offerre poteris, quam si eum impugnes, qui se contra Deum erexit, qui Ecclesiae Dei regnum auferre conatur, qui in loco sancto Simonis idolum statuit, qui a principibus Dei sanctis Apostolis, eorumque vicariis de ecclesiae domo s. Spiritus judicio expulsus est. Hoc tibi ac militibus tuis in peccatorum remissionem et apostolicae sedis familiaritatem praecipimus: ut his laboribus ac triumphis ad caelestem Jerusalem Domino praestante pervenias. Among the clergy of Liege who were true at that time to their monarch, Sigebertus Gemblacensis († 1113) stands conspicuous—he himself relates de scriptoribus eccles. cap. 171 (in Fabricii biblioth. eccles. p. 114): Rogatu praedicti viri (Henrici Archidiaconi) validis Patrum argumentis respondi epistolae Hildebrandi Papae, quam scripsit ad Hermannum Metensem Episcopum in potestatis regiae calumniam. Scripsi ad ipsum Henricum apologium contra eos, qui calumniantur Missas conjugatorum sacerdotum. Ipso etiam rogante respondi epistolae Paschalis Papae, qui Leodiensem Ecclesiam aequae ut Cameracensem a Roberto Flandrensium Comite

continually less and less regarded in Germany, sighing as it was for peace,¹⁰ when he succeeded in instigating the emperor's second son, Henry, to rebellion against his father (1104.)¹¹ Then the ill-fated Henry at length yielded to his destiny in Liege, which remained true to him († 1106).¹² However, no sooner was Henry V. in undisputed possession of the throne, than he maintained, as stoutly as his father had done, his right to invest bishops.¹³ The

jubebat perditum iri. This last letter, full of bitter truth, is preserved (Epist. Ecclesiae Leodiensis contra epist. Paschalis P. in Cod. Udalrici no. 234, in Eccard ii., 238, in Goldasti apologiæ p. 188, in Mansi xx. 987), thus neither was it written by a nameless clerk, as Schröckh xxvi. 74, and others say, nor in the year 1107, as we find in Mansi l. c., but during Henry's lifetime, probably about 1102. For Robert quitted Palestine as early as 1099, Wilken ii. 18.

¹⁰ Bernoldus ad ann. 1100, in Pertz viii. 467: Jam multum paene ubique sententia excommunicationis coepit tepescere, ut etiam quidam religiosi, qui usque ad hoc tempus in illa causa erant ferventissimi, a catholicis discederent, et inter excommunicatos promoveri non timerent.

¹¹ Thus. the later contemporary Herimannus Abb. in narratione restaurationis abbatiæ s. Martini Tornacensis (in d'Achery spicileg. ii. 914): Interea callidus Papa Henricum adolescentem filium Henrici Imp. literis adversus patrem concitat, et ut Ecclesiae Dei auxilietur, admonet; ille regni cupidus, et gaudens, se competentem occasionem ex apostolica auctoritate invenisse, contra patrem ferociter armatur etc. Exstat quaedam epistola ab eodem patre Philippo Regi Francorum directo, in qua de filio suo conqueritur, quam si quis legerit, et non flevit, videtur mihi duri esse cordis. (This letter to Philip is to be found in Udalrici Babenh. cod. no. 216, in Eccard ii. 222; also in Urstisii scriptt. hist. Germ. i. 396.) Otbertus de vita Henrici iv. (in Goldast p. 216), and Otto Frising. lib. vii. c. 8, on the other hand, maintain that the young Henry was instigated by dissatisfied nobles. On the history of the quarrel between father and son, also on the Concilium Nordhusanum, summoned by the son in the year 1105, Ekkehardus in Pertz viii. 226, ss., is most full. Comp. Raumer i. 240, ss. Stenzel i. 583, ss. E. Gervaisi polit. Gesch. Deutschlands unter Heinrich V., und Lothar III. (2 parts Leipzig, 1841. 42) i. 4.

¹² Compare the Epistle of Otbert, Bishop of Liege, de vita et obitu Henrici IV. in Goldasti apol. p. 225, (written immediately after Henry's death.)

¹³ The Pope began to triumph too soon at the Concil. Guastallense, in Oct. 1106, (Mansi xx. 1209): nunc per Dei gratiam hujus nequitiae deficientibus auctoribus, Ecclesia in ingenuam libertatem resurgit. He absolved the German clergy from excommunication, and renewed the laws against lay investitures. Now he wished himself to travel in Germany. But (Ekkehardus ad ann. 1107) quasi protervium

negotiations of his ambassadors with the Pope at a conference in Chalons (1107) remained without result.¹⁴ When Henry

Teutonicorum declinans—suggerentibus quibusdam, quod non facile gens nostra decretum illud recipiat, quod quamlibet ecclesiasticam investituram laicis a manibus accipi vetat; necnon et animosum cor Regis adolescentis, quod nondum per omnia dominico jugo sit habile; hæc, inquam, multaque id genus vir Dei percepta considerans, et necdum sibi ostium germanicis in partibus apertum esse cum gemitu pronuntians, profectionem suam cum Hispaniarum legatis per Burgundiam ad Gallias convertit, and went to the synod at Troyes. Henry thereupon gathered an assembly of nobles in Mayence, and sent ambassadors from it to the Pope: per quos tam ipsi quam universae synodo potestatem constituendorum Episcoporum privilegiis apostolicis Carolo Imperatori concessum notificarent. In defence of the imperial and episcopal rights against the Pope, in 1109, a pamphlet was issued, which is printed in Schardii syntagma tractatum de imperiali jurisdictione, p. 72, as Waltrami Ep. Naumburg. lib. de investitura Episcoporum, and which Kunstmann has published entire, from another manuscript, in the Tübinger Theol. Quartalschr., 1837, s. 184; 1838, s. 336. According to an old account (1838, s. 348), Conrad, abbot of St George in Naumburg, is said to have written it and dedicated it to Bishop Waltram. Undoubtedly the yielding of the Pope in England (s. note 5) had some influence on the conduct of the Emperor and German people. Stenzeli. 612.

¹⁴ On this point as eye-witness, there is the politic Sugerius Abb. s. Dionys. de vita Ludov. Grossi (in Duchesne iv., 289. Bouquet xii. 20). The imperial ambassadors, with the Archbishop of Trèves and Duke Guelph at their head, appear non humiles, sed rigidi et contumaces,—qui tumultuantes magis ad terrendum, quam ad ratiocinandum missi viderentur. The Archbishop of Trèves spoke thus: Talis est domini nostri Imperatoris, pro qua mittimur, causa. Temporibus antecessorum nostrorum, ss. et apostolicorum virorum, magni Gregorii et aliorum, hoc ad jus Imperii pertinere dignoscitur, ut in omni electione hic ordo servetur: antequam electio in palam proferatur, ad aures domini Imperatoris perferre, et si persona deceat, assensum ab eo ante factam electionem assumere: deinde in conventu secundum canones, petitione populi, electione cleri, assensu honoratorum proferre: consecratum libere nec simoniace ad dominum Imperatorem pro regalibus, ut annulo et virga investiatur, redire, fidelitatem et hominum facere. Nec mirum; etenim civitates et castella, marchias, telonia, et queque imperatoriae dignitatis, nullo modo aliter debere occupare: si hæc dominus Papa sustineat, prospere et bona pace regnum et Ecclesiam ad honorem Dei inhaerere. To this the Pope made answer: Ecclesiam pretioso Jesu Christi sanguine redentam et liberam constitutam, nullo modo iterato ancillari oportere: si Ecclesia eo inconsulto Praelatum eligere non possit, cassata Christi morte, ei serviliter subiacere; si virga et annulo investiatur, cum ad altaria ejusmodi pertineant, contra Deum ipsum usurpare; si sacratas dominico corpori et sanguini manus

advanced with an army into Italy, the Pope agreed to a compact (Febr. 1111), by the terms of which the Emperor was to concede the investiture and the bishops the oath of fealty. But as the German bishops refused their sanction to this compact,¹⁵ the Pope¹⁶ was reduced to yield to a new agreement, which granted the investiture to the Emperor (April 1111.)¹⁷ On the other side the Gregorian party were now roused to action: the Pope was soon

laici manibus gladio sanguinolentis obligando supponant, ordini suo et sacrae unctioni derogare. (This last, compared with note 5, is certainly startling). When the cervicosi legati heard this, Teutonico impetu frendentes tumultuabant, et si tuto auderent, convitia eructarent, injurias inferrent. *Non hic, inquit, sed Romae gladiis determinabitur querela.*

¹⁵ Compare the entire transactions of this Coronatio Romana in Pertz iv. 65. With the help of these transactions, the chron. Casin. lib. iv., c. 35 ss., relates at length the foregoing events. (Muratori iv., 513), Ekkehardus ad ann. 1111 (in Pertz viii., 244) more shortly. At any rate we are not forced, with Mascov. comm. de rebus imperii Rom. sub Henrico iv. et v. Lips. 1743. 4. p. 153, to assume that the Pontiff did not in real earnest intend this concession. For it follows necessarily from the principle before laid down by Urban II., in the Concil. Melfitan. ann. 1090 can. 11. (see above, § 48, note 12), see Schmidt's Kirchengesch. vi. 116. On the whole question, see Raumer i. 263; Stenzel i. 632.

¹⁶ Ekkehardus l. c.: Pater apostolicus ab Episcopis et aliis fidelibus Regis est custoditus usque ad pacatam et ecclesiasticam consecrationem Imperatoris, in exemplum Patriarchae Jacob dicentis ad Angelum: *Non dimittam te, nisi benedixeris mihi* (Gen. xxxii. 26.)

¹⁷ Chron. Casin. iv. c. 40. The oath of the Pope is found in Pertz iv. 71: Dominus Papa Paschalis non inquietabit domnum Regem Henricum, neque ejus regnum de injuria sibi inlata,—de investitura episcopatum aut abbatiarum,—et penitus in persona Regis nunquam anathema ponet. Nec remanebit in domno Papa, quin coronet eum, sicut in Ordine continetur etc. Privilegium Paschalis P. Henrico concessum p. 72:—Illam igitur dignitatis praerogativam, quam praedecessores nostri vestris praedecessoribus, catholicis Imperatoribus, concesserunt, et privilegiorum paginis confirmaverunt, nos quoque Dilectioni tuae concedimus, et praesentis privilegii pagina confirmamus, ut regni tui Episcopis vel Abbatibus libere praeter violentiam et simoniam electis investituram annuli et virgae conferas. Post investitionem vero canonicam consecrationem accipiant ab Episcopo, ad quem pertinuerint. Si quis autem a clero et populo praeter assensum tuum electus fuerit, nisi a te investiat, a nemine consecratur. At the coronation the Pope and the Emperor communicated together (chron. Cas. l. c.) cumque ad hostiae confractionem venisset, partem ipse (Papa) accipiens, partem Imperatori contradens, dixit: Sicut pars ista vivifici corporis divisa est, ita divissus sit a regno Christi et Dei, quicumque pactum istud dirumpere tentaverit.

after obliged to annul that grant,¹⁸ and a Lateran-Council (1112) condemned it.¹⁹

The Pope, indeed, because of his oath pledged to the Emperor, did not excommunicate him in person; but this was done by his Legates in Burgundy and France, and Paschal sanctioned their proceeding.²⁰ Thus, at any rate, the discontent which had been

¹⁸ Chron. Casin. iv. c. 42. Particularly Bruno Episc. Signensis in epist. ad Paschal. P. in Baron. ann. 1111 no. 30. Gotfridi Abb. Vindocinensis lib. i. ep. 7 ad Paschalem. Placidi (Prior of Nonantola) lib. de honore Ecclesie (in Pezii thes. anecdot. II. ii. 75). There was even some talk of deposing him, Udalrici cod. no. 258.—Then Paschalis epist. 23, ad Joan. Tusculanum et Leonem Vercellensem Episc. et Cardinales and epist. 24, ad Guidonem Viennensem Episc. (Mansi xx., 1008.)—Ivo Carnot. epist. 233, and epist. 236 (both found in Baronius l. c. no. 34 ss.) and Hildebertus Episc. Cenomanensis lib. ii. epist. 22 (in Mansi xxi. 44), pleaded for the Pope. Stenzel i. 646.

¹⁹ Compare Ekkehardus ad h. a. and vita Paschalis ex Card. Aragon. (Muratori l. c. p. 363.) According to the last the Pope declares: *Quamvis conditio juramentis praeposita ab ipso et suis minus observata sit;—ego tamen eum nunquam anathematizabo, et nunquam de investituris inquietabo.—Habet judicem Deum. Porro scriptum illud—prave factum cognosco, prave factum confiteor, et omnino corrigi Domino praestante desidero. Cujus correctionis modum fratrum, qui conveniunt, consilio judicioque constituo, ne forte per inposterum detrimentum aliquod Ecclesia, animae meae judicium relinquatur.* The acts of the Synod (Mansi xxi. 49, and published, according to other MSS., by the same hand, p. 68, and by Baluzius in *de Marcâ de conc. sac. et Imp.* under lib. viii. c. 20) contain a confession of faith by the Pope, and the following decree of the Council: *Privilegium illud, quod non est privilegium, sed vere debet dici pravilegium, pro liberatione captivorum et Ecclesiae a domino P. Paschali per violentiam Henrici Regis extortum, nos omnes in hoc s. concilio cum eodem Domino Papa congregati, canonica censura et ecclesiastica auctoritate, judicio s. Spiritus damnamus, et irritum esse judicamus atque omnino cassamus, et ne quid auctoritatis et efficacitatis habeat, penitus excommunicamus. Quod ideo damnatum est, quod in eo privilegio continetur, quod electus canonice a clero et populo a nemine consecratur, nisi prius a Rege investiat, quod est contra Spiritum s. et canonicam institutionem.*

²⁰ Yet Guido, Archbishop of Vienne, held, in Sept. 1112 the Concil. Vienn. (Mansi xxi. 73), in which first lay investiture and this privilege were condemned: Then Henricum Teutonicorum Regem, qui—domnum Papam—velut alter Judas—tradidit, cepit,—et ab eo nefandissimum et detestabile scriptum violenter extorsit, excommunicamus, anathematizamus, et a gremio s. matris Ecclesiae sequestramus, donec, his omnibus abrenuntiatis, plenam satisfactionem Ecclesiae exhibeat. From the letter of the Synod to the Pope, it is evident that he would gladly confirm both decisions. *Adfuerunt legati Regis, literas*

provoked by the Imperial outrages in Saxony, and had broken out into open rebellion, was kept alive.²¹ It could not, however,

bullatas, quasi de parte vestra ad eum missas, audacter praetendentes, in quibus erga eum vester bonus affectus pacis et concordiae et perfectae amicitiae significabatur. Quas nimirum post concilium, quod in praeterita quadragesima Romae celebrastis, se recepisse, et sibi missas, idem Rex testabatur. Thus the parting address: Illud etiam cum debita reverentia vestrae suggerimus pietati, quod, si nobiscum in his steteritis, si hoc, sicut rogamus, confirmaveritis,—unanimiter nos, sicut decet, habebitis filios et fideles. Si vero, quod minime credimus, aliam viam aggredi coeperitis, et nostrae paternitatis assertiones praedictas roborare nolueritis : propitius sit nobis Deus, quia nos a vestra subjectione et obedientia repellitis. The Pope does not contradict that statement of the Imperial ambassadors in his answer (l. c.) but writes humbly : Dum alicujus morbi detentione caput afficitur, membris omnibus communiter ac summopere laborandum est, ut ab eo penitus expellatur.—Unde Deo gratias referimus, et quae statuta sunt ibi, rata suscipimus et confirmamus, etc. In the same way Henry was excommunicated by Cardinal Conon, papal legate in France, at the Conc. Bellovacense ann. 1114, Rhemiense, Suessionense, Catalaunense, and Coloniense ann. 1115. At the Conc. Lateranense ann. 1116 (about which see especially Ekkehardus on this year), the Pope was strongly urged by these Legates, himself to pronounce sentence of excommunication upon the Emperor; however, this did not take place. The Abbot of Farsa, faithful to the Emperor, thus writes to him about the Pope's conduct (in Udalrici cod. no. 259. in Eccard. ii. 267) : Apostolici intentio, ut certius nobis videtur, ad hoc viget et molitur, ut irrecuperabile vobis detrimentum operari valeat : et tum demum irrevocabilem contra vos proferet sententiam. Interim callide agit clandestinis machinationibus, quatenus incautos vos et minus sollicitos reddat. Nam verba, quae vobis literis suis blanda et placatissima mandavit, quamvis nobis ignota sunt, fraude tamen plena pro certo existimamus; et ut adventus vester in Italiam difficeretur, eum ad vos transmisisse arbitramur, licet fortasse eisdem apicibus adventum vestrum se desiderare ostendat.

²¹ Schlosser III. i. 233. Raumer i. 280. Stenzel i. 655. Henry would not rest satisfied with the mode of investiture agreed on by treaty. Conf. Frider. Archiep. Colon. epist. ad Ottonem Bamb. ann. 1115 (in Udalrici cod. no. 277) : Quid de cathedris episcopalibus dicemus, quibus regales villici praesident, quas disponunt, et de domo orationis speluncam plane latronum efficiunt : de animarum lucris nulla penitus quaestio est, dum tantum terrenis lucris regalis fisci os insatiabile repleatur. The worst consequence of this to the Pope was, that other kings took up the wish to invest, cf. Anselmi Cantuar. lib. iii. epist. 152, ad Paschalem, ann. 1117 (Mansi xx. 1023) : Rex Angliae conqueritur, quod sustinetis, Regem Teutonicum dare investituras Ecclesiarum, sine excommunicatione : et ideo minatur, se sine dubio resumendum suas investituras, quoniam ille suas tenet in pace. The Pope answered this from Beneventum (epist. 153, in Mansi l. c.) : Ex-

lead to the same results as it would have done in the reign of Henry IV., because of the notorious inconsistency of the Pope. Henry V. even made himself master of the lands of Matilda, margravine of Tuscany († 1115), bequeathed by her to the Roman Church²² (1116), then he advanced upon Rome (1117),²³ and forced the Pope to die in banishment († 21st Jan. 1118.)

spectamus quidem, ut ferocia illius gentis edometur. Rex vero si in paternae nequitiae tramite perseveraverit, b. Petri gladium, quem jam educere coepimus, procul dubio experietur.

²² Matilda's deed of gift is to be found at the end of the Life of Matilda, written by Domnizo (in Leibnit. rer. Brunsvic. scriptt. i. 687. Muratori scriptt. rer. Ital. v. 384. Fragments of it have been lately discovered on pieces of a marble table, which perhaps contained the original, see ad Ph. L. Dionysii opus de Vaticanis cryptis appendix, auctoribus Aem. Sarti et Jos. Settele, Romae 1840, fol. p. 40): In nomine s. et individuae Trinitatis anno ab incarnatione Domini nostri Jesu Christi MCII. XV. die Kal. Decembris, indictione X. Tempore domni Gregorii VII. Papae in Lateranensi palatio, in capella s. Crucis, —ego Mathildis, Dei gratia Comitissa, pro remedio animae meae et parentum meorum dedi et obtuli Ecclesiae s. Petri, per interventum domni Gregorii P. omnia bona mea, jure proprietario tam quae tunc habueram, quam ea, quae in antea acquisitura eram, sive jure successionis, sive alio quocunque jure ad me pertinent, et tam ea, quae ex hac parte montium habebam, quam illa, quae in ultramontanis partibus ad me pertinere videbantur, omnia, sicut dictum est, per manum domini Gregorii VII. P. Romanae Ecclesiae dedi et tradidi, et chartulam inde fieri rogavi. Sed quia chartula nusquam apparet, et timeo, ne donatio et oblatio mea in dubium revocetur: ideo ego, quae supra, Comitissa Mathildis iterum a praesenti die dono et offero eidem Romanae Ecclesiae per manum Bernardi Cardinalis et Legati ejusdem Romanae Ecclesiae, sicut in illo tempore dedi per manum domini Gregorii omnia bona mea, and so on as above. According to J. D. Köler, diss. de donatione Mathildina, Altorf, 1715, p. 12 s., and Scheidti origg. Guelphicae i. 449, the gift referred only to the allodial land, not to the imperial fief. On the other side is Mosheim institt. hist. eccl. p. 404. Schröckh xxvi. 66. The fief could not be alienated by gift; but because the feudal relations of these lands to the Emperor were at that time much relaxed, the Pope was inclined to regard them as allodial, while the Emperor, by virtue of his ancient right, laid claim to all the provinces at least, as fiefs of the empire. Compare Raumer i. s. 289, 295, ss. V. Sticherer über die Verlassenschaft der Mathilde, in den Münchener gel. Anzeigen. Febr. 1840, s. 289.

²³ Chron. Casin. iv. c. 60 ss. Ekkehardus ann. 1117: Domnus Apostolicus propter securitatem, quam Regi, licet coactus, fecerit, diffitetur, illum se anathematis vinculo colligasse; ab Ecclesiae tamen potioribus membris excommunicationem connexam, non nisi ipsorum consilio denegat se posse dissolvere, concessio nimirum utrinque syno-

§ 50.

GELASIUS II. (1118—1119). CALIXTUS II. (1119—1124.)

Henry had already gained so strong a party at Rome, that he was able to cause the appointment of another Pope, Gregory VIII.,¹ in opposition to the newly elected Gelasius II. Gelasius II., always an exile, died soon after at Cluny.² He was succeeded by Guido, Archbishop of Vienne (§ 49, note 20), under the name of Calixtus II., who forthwith began to make overtures for peace. By the terms of a preliminary contract all investitures were to be abolished.³ But afterthoughts were less

alis audientiae jure. Henry represents this otherwise to the Bishop of Ratisbon (Udalrici cod. no. 318, in Eccard ii. 332): *Dominus Apostolicus—negavit, quod Chuononem in Coloniam vel Saxoniam miserit; irritum esse judicavit, si quid in nos maledictionis effuderit; affirmavit, quod ipse numquam nos excommunicaverit etc.* Raumer i. 300. Stenzel i. 663.

¹ The story which the contemporary Landulphus junior hist. Mediolan. c. 32 (Muratori scriptt. rer. Ital. v. 502) relates is worthy of notice on this point: *Magister Guarnerius (or Irnerius) de Bononia, et plures legisperiti populum Romanum ad eligendum Papam convenit et quidam expeditus lector in pulpito s. Petri per prolixam lectionem decreta Pontificum de substituendo Papa explicavit. Quibus perlectis et explicatis totus populus elegit in Papam quendam Episcopum Hispaniae etc.*

² As regards him beside Landulphus junior, his adherent Pandulphus Pisan. in vita Gelasii II. (in Muratori iii. 1, 367), may be especially consulted. Schlosser iii. 1, 239. Raumer i. 301.

³ The negotiations may be found in Hessonis scholastici commentariolus de tractatione pacis inter Calixtum II. et Henricum V. in Seb. Tegnagel vett. monumenta pro Gregorio VII. conscripta p. 329, and borrowed thence in Mansi xxi. 244. The Bishop of Chalons, as Papal emissary, declared to the Emperor in Strasburg: *Si veram pacem, domine Rex, habere desideras, investituram episcopatum et abbatiarum omnimodis dimittere te oportet. Ut autem in hoc nullam regni tui diminutionem pro certo teneas: scito me in regno Francorum electum, nec ante consecrationem nec post consecrationem aliquid suscepisse de manu Regis: cui tamen de tributo, de militia, de telonio, et de omnibus, quae ad rempublicam pertinebant, et antiquitus scilicet a Regibus christianis Ecclesiae Dei donata sunt, ita fideliter deservio, sicut in regno tuo Episcopi tibi deserviunt, quos hucusque investiendo hanc discordiam, immo anathematis sententiam, incurristi (comp. § 49, not. 7).*—Non enim dominus Papa statum imperii aut coronam regni, sicut

harmonious. The Pope determined that the Imperial fief should still remain attached to the prelacies. The Emperor, on the other hand, in the spirit of the age, considered that no fief could be bestowed without feudal investiture; and that he thus obtained by that treaty free power over the Imperial fiefs of the Church. So the negotiations were broken off, and Calixtus pronounced afresh (Oct. 1119), at the great synod of Rheims, sentence of excommunication and dethronement against the Emperor.⁴ Now indeed the disturbances in Germany, continually rekindled by Adalbert, Archbishop of Mayence,⁵ in particular, grew more

quidam seminatores discordiae obloquuntur, in quolibet imminuere attentat: immo palam omnibus denuntiat, ut in exhibitione militiae et caeteris omnibus, in quibus tibi et antecessoribus tuis servire censueverant, modis omnibus deserviant. The concordat runs thus:

Ego Henricus, Dei gratia Romanorum Imp. Augustus, pro amore Dei, et b. Petri, et Domini Papae Calixti, dimitto omnem investituram omnium Ecclesiarum, et do veram pacem omnibus, qui, ex quo discordia ista coepit, pro Ecclesia in guerra fuerunt vel sunt: possessiones autem Ecclesiarum et omnium, qui pro Ecclesia laboraverunt, quas habeo, reddo, quas autem non habeo, ut rehabeant, fideliter adjuvabo. Quodsi quaestio inde emerit; quae ecclesiastica sunt, canonico, quae autem saecularia sunt, saeculari terminentur iudicio.

Ego Calixtus II., Dei gratia Romanae Ecclesiae Episcopus catholicus, do veram pacem Henrico Romanorum Imperatori Augusto, et omnibus, qui pro eo contra Ecclesiam fuerunt vel sunt: possessiones eorum, quas pro guerra ista perdiderunt, quas habeo, reddo, quas non habeo, ut rehabeant, fideliter adjuvabo. Quodsi quaestio inde emerit; quae ecclesiastica sunt, canonico, quae saecularia sunt, saeculari terminentur iudicio. Schlosser iii. 1, 242. Raumer i. 309. Sterzel i. 690. Gervais polit. Gesch. Deutschlands unter Heinrich V. und Lothar III. 1, 259.

⁴ On this head the eye-witness Hesso in Mansi xxi. 250. Rogerus de Hoveden (about 1198), in his annal. Anglican. ad h. a. has given us the following anecdote from the acts of the synod: Henricus excommunicandus decernitur. Quod cum quidam in concilio aegre ferrent, sententiam protulit Apostolicus, ut qui in hoc scandalizarentur, exeuntes a fratrum consortio separentur: proposito de illis lxx. discipulis exemplo, qui cum de carne Domini manducanda et sanguine bibendo scandalizarentur, retro abierunt, et jam cum illo non ambulabant (cf. Joh. vi. 52 ss.) etc.—Talia sermocinante Apostolico, illico omnes in eundem consensum reducti in Imperatorem Henricum excommunicationis sententiam jaculantur.

⁵ Formerly Chancellor of the Emperor and guide of his councils, since his accession to the see of Mayence entirely changed, Gervais i. 98. How Henry expresses himself about him, see ex cod. Palat. Raumer i. 278, comp. s. 307.

dangerous. Calixtus II. also was once more master of Rome (1121), and the anti-Pope his prisoner. Still the Pope was obliged to adopt an expedient pointed out before by French writers,⁶ and allow a secular also as well as a spiritual investiture, in order to satisfy the Germans.⁷ Thus at last the concordat of Worms was brought about (Sept. 1122 Concordatum Worma-

⁶ This expedient, already introduced by Ivo (§ 49, note 6) was clearly propounded by his friend Hugo Floriacensis tract. de regia potestate et sacerdotali dignitate cap. 5 (Baluz. miscell. lib. iv. p. 9): Ubi vero eligitur Episcopus a clero vel populo secundum morem ecclesiasticum, nullam vim ac perturbationem eligentibus rationabiliter Rex per tyrannidem debet inferre, sed ordinationi legitimæ suum adhibere consensum. At si reprehensibilis ille qui eligitur fuerit inventus, non solum Rex, sed nec plebs provinciae debet electioni ipsius suum assensum favoremque tribuere, sed etiam crimina, quibus ille detestabili maculatur infamia, voce publica denudare, ut vel hac contumelia eligentium temeritas comprinatur. Post electionem autem non annulum aut baculum a manu regia, sed investituram rerum saecularium electus antistes debet suscipere, et in suis ordinibus per annulum aut baculum animarum curam ab Archiepiscopo suo; ut negotium hujusmodi sine disceptatione peragatur, et terrenis et spiritalibus potestatibus suae auctoritatis privilegium conservetur. The zealous Papal partizan Gottfried, abbot of Vendome (Gottfridi Vindocinensis opp. ed. J. Sirmond. Paris. 1610, and in bibl. PP. Lugd. xxi. 1) challenges the lay investiture as heretical in his opusc. ii. and iii., but in opusc. iv. he says also: Alia utique est investitura, quae Episcopum perficit, alia vero, quae Episcopum pascit.—Possunt itaque sine offensione Reges post electionem canonicam et consecrationem per investituram regalem in ecclesiasticis possessionibus concessionem, auxilium et defensionem Episcopo dare, quod quolibet signo factum extiterit, Regi vel Pontifici, seu catholicae fidei non nocebit.—Habeat Ecclesia pacem, et regnum justitiam: habeat Rex consuetudinem, sed bonam, non quam male reposit, sed quam supra diximus investituram. Habeat Ecclesia suam libertatem, sed summo opere caveat, ne, dum nimis emunxerit, eliciat sanguinem; et dum rubiginem de vase conatur eradere, vas ipsum frangatur.—Praeterea bonus et discretus Augustinus in epistola ad Parmenianum dicit, vix aut nunquam excommunicandum eum esse, qui in malo opere obstinatum multitudinem habet secum. Nam tolerabilius videtur uni parcere, ne in Ecclesia schisma seminetur plurimorum.

⁷ How the Pope was forced to give in by the unanimity of the German secular princes, is clearly set forth in Adalberti Archiep. Mogunt. ep. ad Calixtum P. ii. ann. 1121 (in Martene et Durand ampliss. collect. i. 671) about the negotiations set on foot: Sed quia tam Imperium quam Imperator tanquam haereditario quodam jure baculum et annulum possidere volebant, pro quibus universa laicorum multitudo Imperii nos destructores inelamabat; nullo modo potuimus his Imperatorem exuere,

tiense),⁸ which was afterwards ratified by the Concilium œcum. Lateranense i. (œcum. ix. 1123.)

donec communi quique consilio—omnes pariter sustinuimus, quod in ipsius præsentia Ecclesia debeat electionem facere.

⁸ In Ekkehardus on this year (Pertz viii. 260), and in Udalrici cod. Epist. no. 305 and 306 (Eccard. ii. 308); published by Pertz iv., 75 after 7 manuscripts: Ego Heinricus Dei gratia Romanorum Imperator Augustus pro amore Dei et s. Romanæ Ecclesiæ et domini P. Calixti, et pro remedio animæ meæ, dimitto Deo et ss. ejus Apostolis Petro et Paulo, sanctæque catholicæ Ecclesiæ omnem investituram per annulum et baculum, et concedo, in omnibus Ecclesiis canonicam fieri electionem et liberam consecrationem. Possessiones et regalia b. Petri, quæ a principio hujus discordiæ usque ad hodiernam diem, sive patris mei tempore, sive etiam meo, ablata sunt, quæ habeo, s. Romanæ Ecclesiæ restituo, quæ autem non habeo, ut restituantur, fideliter juvabo. Possessiones etiam omnium Ecclesiarum aliarum, et Principum, et aliorum tam clericorum quam laicorum, quæ in guerra ista amissæ sunt, consilio Principum, vel justitia, quas habeo, reddam, quas non habeo, ut reddantur fideliter juvabo. Et do veram pacem domino Papæ Calixto, sanctæque Romanæ Ecclesiæ, et omnibus, qui in parte ipsius sunt vel fuerunt. Et in quibus s. Romana Ecclesia mihi auxilium postulaverit, fideliter juvabo; et de quibus mihi fecerit querimoniam, debitam sibi faciam justitiam.

Ego Calixtus Episcopus, servus servorum Dei, tibi dilecto filio Heinrico, Dei gratia Romanorum Imperatori Augusto, concedo, electiones Episcoporum et Abbatum Teutonici regni, qui ad regnum pertinent, in præsentia tua fieri absque simonia et aliqua violentia; ut si qua inter partes discordia emergerit, Metropolitani et Comprovincialium consilio vel judicio, saniori parti assensum et auxilium præbeas. *Electus* autem regalia per sceptrum a te recipiat, et quæ ex his jure tibi debet, faciat. Ex aliis vero partibus Imperii *consecratus* infra sex menses regalia per sceptrum a te recipiat, et quæ ex his jure tibi debet, faciat, exceptis omnibus, quæ ad Romanam Ecclesiam pertinere noscuntur. De quibus vero querimoniam mihi feceris, secundum officii mei debitum auxilium tibi præstabo. Do tibi veram pacem et omnibus, qui in parte tua sunt, aut fuerunt tempore hujus discordiæ. Data anno dominicæ Incarnationis MCXXII. ix. Kal. Octobr. cf. Joh. Guil. Hoffmann diss. ad concordatum Henr. V. et Calixti II. Viteberg. 1739. 4. Montag's Gesch. d. deutschen staatsbürgerl. Freiheit. ii., 436, 440. Planck iv., 1, 297. Raumer, i. 316, vi., 19, 121. Stenzel, i. 704. Gervais polit. Gesch. Deutschlands unter Heinrich V. und Lothar III. i. 335. To the fanatics this concordat was naturally an abomination. See vita Conradi I. Archiep. Salzburg. cap. 4 (Pezii thes. anecd. II. iii. 227): Abhorrebat vir ille venerabilis, et medullitus detestabatur homagii et juramenti præstationem, quam Regibus exhibebant Episcopi et Abbates, vel quisquam ex clero pro ecclesiasticis dignitatibus, eo quod nefas et instar sacrilegii reputaret, ac prædicaret occulte et publice, manus chrismatis unctione consecratas sanguineis manibus, ut

§ 51.

HONORIUS II. (1124—1130.) INNOCENT II. (+ 1143.) CELESTINE II. (+ 1144.) LUCIUS II. (1145.) EUGENE III. (+ 1153.) ANASTASIUS IV. (+ 1154.)

After the extinction of the Franconian Imperial house (Henry V. † 1125), the Papacy seemed to have gained a complete triumph over the empire. By the Church party under the guidance of Adalbert, Archbishop of Mayence, the Duke of Saxony, who was entirely in their interest, was raised to the Imperial throne under the title of Lothair III.¹ Upon his election, he willingly sacrificed to the ecclesiastical princes a portion of his rights, to the Pope of his rank.² When, however, in the year 1130 a disputed election put forward two Popes, one of whom, Anacletus II., with the help of Roger, the new king of Sicily, maintained himself in Rome, the other, Innocent II.,

ipse solebat dicere, subjici, et homagii exhibitione pollui. Inde est, quod mortuo Imp. Heinrico, cum ei Lotharius successisset, numquam ei consensit homagium facere, vel sacramentum fidelitatis offerre. Compare above § 48, note 12.

¹ Ed. Gervais polit. Gesch. Deutschlands unter Heinrich V. und Lothar III. Th. 2. Kaiser Lothar III. Leipzig 1842. Ph. Jaffé Gesch. d. deutschen Reichs unter Lothar d. Sachsen, Berlin 1843. On these two works s. R. Köpke in W. A. Schmidt's Zeitschrift s. Geschichtswissenschaft. i. 220.

² Anonymi (Welberti, Conradi III. Imp. Capellani? See Olen-schlager s. 83) narratio de electione Lotharii (in J. D. Olen-schlager's Erläuterung der güldenen Bulle. Urkundenbuch s. 19): Concordantibus itaque in electione Regis universis regni Principibus, quid juris regiae dignitatis Imperium, quid libertatis reginae caelestis, i. e. Ecclesiae Sacerdotium habere deberet, stabili ratione praescribitur.—Habeat Ecclesia liberam in spiritualibus electionem, nec regio metu extortam, nec *praesentia Principis, ut ante, coarctatam*, vel ulla petitione restrictam; habeat imperatoria dignitas, electum libere, *consecratum canonice*, regalibus per sceptrum, sine pretio tamen, investire solenniter, et in fidei suae ad justii favoris obsequium (salvo quidem Ordinis sui proposito) sacramentis obligare stabiliter. The new Emperor ab Episcopis universis—et Abbatibus—*fidelitatem* non indebitam de more suscepit, a nullo tamen spiritualium, ut moris erat, *hominum* vel accepit vel coëgit. Dodechini app. ad Mariani Scoti chron. ad ann. 1125 (in Pistorius-Struve i. 671): Legati pro confirmando Rege Romam mittuntur Gerhardus Cardinalis, Cameracensis et Viridunensis Episcopi. Probably there was a notion of making use of the Pope's assent to the transfer of the Imperial crown to another family.

fled to France, and being supported by Bernard, Abbot of Clairvaux, the oracle of his age, brought over all countries, with the exception of Italy, to his side, but looked especially to the Emperor for victory over his rival. Then Lothair could exercise once more without opposition those rights at least which were assigned to him by the Calixtine Concordat.³ However, at his coronation (1133) he suffered himself to be induced, by his family interest, to receive Matilda's allodial lands in fee from Innocent II.⁴

³ At their meeting in Liege 1131 Innocent besought the Emperors help. (Otto Frising. chron. vii., c. 18): qui nihil cunctatus, exposito tamen prius modeste, in quantum Regnum amore Ecclesiae attenuatum, investituram earum quanto sui dispendio remiserit, auxilium Romanae Ecclesiae promittit. According to the *vita Bernardi* lib. ii. c. i. Lothair demanded *Episcoporum sibi restitui investituras*, quas ab ejus praedecessore Henrico Imp.—Romana Ecclesia vindicaverat, and Bernard, ep. 150, who was actively engaged himself in the negotiations, alludes to some such transaction. However, this might be nothing more than a mistake of the French; but that Lothair cared no more for the new restrictions made at the time of his election he had already shown in Liege, where he caused the principal clergy of the church of Verdun to choose a new bishop (hist. *Episcoporum Virdunensium* in d'Achery *Spicileg.* ii. 252) and then established the man on whom their choice fell, granting to him, with the sceptre, the temporalities of the Episcopate; however, he afterwards received consecration from the Pope in Paris. Further, see *gesta Trevirorum* edd. Wyttenbach et Müller i. 237: Cum Albero Archiepiscopus (Trevirensis) venisset Aquisgrani ad curiam Imperatoris (ann. 1132), Lotharius Rex noluit cum investire regalibus, eo quod ante recepisset consecrationem episcopalem, quam suam requisivisset investituram. The Archbishop offered to make oath, quod non ad diminutionem sui honoris hoc factum esset sed a domino Papa coactus ad consecrationem accessisset, and thus conciliated the Emperor. Accordingly Adalbert, Archbishop of Mayence, laments, in a letter to Otto, Bishop of Bamberg (cod. Udalrici no. 1366 in Eccard. ii. 371): Quid restat ad cunulium doloris nostri, cum videamus canonicas Episcoporum electiones ad nutum Principis cassari, et pro beneplacito suo ipse substituat, quos libuerit? Hoc in Basileensi Ecclesia factum est (cf. *Annalista Saxo* ad ann. 1133, in Pertz viii., 768.) Otho's younger contemporary, Otto of Freisingen, thus states the purport of the concordat of Worms (chron. vii. c. 16): tam Cisalpini, quam Transalpini non prius ordinentur, quam regalia de manu ejus (Regis) per sceptrum suscipiant. But he adds, with reference to the Romish view of this concordat: Hoc pro bono pacis sibi soli (Regi Henrico), et non successoribus datum dicunt Romani.

⁴ The document sent by the Pope to the Emperor, see in Baronius 1133, note 5. Allodium bonae memoriae Comitissae Mathildae, quod

After Lothair's death († 1137) the powerful Hohenstaufen family succeeded in Conrad III. to the Imperial throne;⁵ as kinsmen of the Franconian Imperial house, they were the natural defenders of its honour and its claims. But the Papal see found in the Guelphs a strong party entirely in its interest, and hostile to the Hohenstaufen family (the Waiblingen Ghibellini);⁶ and now that since the death of Anacletus († 1138) the schism had been healed by Bernard's influence, it would have been able to display more than all its ancient vigour, had not a new danger threatened from Italy herself.

Amongst other claims, the claims of the Bishops also encountered the effort of the Lombard towns for independence, which developed itself in great strength during this period, in which the Emperors for a long time past had had little leisure to bestow upon Italy.⁷ Encouraged by this fact, and proving his arguments

utique ab ea b. Petro constat esse collatum vobis committimus,—atque —per anulum investimus, ita videlicet, ut centum libras argenti singulis annis nobis et successoribus nostris exsolvas, et post tuum obitum proprietatem ad jus et dominium s. Rom. Ecclesiae—revertatur.— Qui vero arces tenuerit, vel rector terrae fuerit, b. Petro, et nobis nostrisque successoribus fidelitatem faciant. Caeterum pro caritate vestra nobili viro, Henrico, Bavariae Duci, genero vestro, et filiae vestrae, uxori ejus, eandem terram cum praefato censu, et supradictis conditionibus apostolica benignitate concedimus, ita tamen, ut idem Dux hominium faciat et fidelitatem b. Petro, ac nobis, nostrisque successoribus juret. Post quorum obitum praedictum Comitissae Mathildae allodium ad jus et dominium s. Rom. Ecclesiae—reducatur. The Popes could only make out a claim for the allodium or freehold, not for the imperial fiefs of Matilda. The contest, not yet decided, as to what was allodium and what was Imperial fief, was obviated by this grant. But Lothair chose rather to bring over these lands in peace to his family, than vindicate in doubtful combat the right of an elective crown.

⁵ F. v. Raumer *Gesch. d. Hohenstaufen und ihrer Zeit.* 6 Bde., Leipzig 1823. 2te Aufl. 1840. Ph. Jaffé *Gesh. des deutschen Reichs unter Conrad III.*, Hannover 1845.

⁶ In the battle of Weinsberg, 1140, the party cry "Hie Welf, Hie Waiblingen," was first raised.

⁷ Compare Planck iv. 1, 145. Savigny's *Gesh. des Röm. Rechts im Mittelalter.* iii. 91, 110. Raumer über die staatsrechtlichen Verhältnisse der ital. Städte. Wien 1819, s. Dess. *Gesch. d. Hohenstaufen.* v. 102. H. Leo *Entwicklung der Verfassung d. Lombard. Städte bis zu der Ankunft K. Friedrich I. in Italien.* Hamburg 1824, 8, s. 90, 173. Hüllman's *Stadtwesen des Mittelalters.* ii. 325. Muratori *antiquitt. Ital. medii aevi* iv. 253. Single instances, *ibid.* iv. 191, 221.

from the words of Christ and his apostles, Arnold of Brescia⁸ arrived at the conclusion that the clergy in general should possess no secular property whatever;⁹ and the above mentioned direction of political affairs forthwith obtained for this doctrine universal acceptance in upper Italy. Accused upon this ground before the second Lateran Council (Œcumenicum x. 1139)

⁸ Consult about him, especially Otto Frising. de rebus gestis Frider. lib. ii. c. 20 (in Murat. c. 21.) Guntheri Poetae (about 1200) Ligerinus seu de gestis Friderici I. (libb. x., often edited, but best by C. G. Dümge, vol. i., Heidelb., 1812. 8.), lib. iii., v. 262, ss.—J. D. Köler de Arnaldo Brixienſi dissert. Goetting. 1742. 4. Planck iv. 1. 324. Neander v. 1. 192. Raumer ii. 34. Arnold von Brescia, by Dr K. Beck (in d. Baseler wissenschaftl. Zeitschrift, Jahrg. 2. (1824) Heft 2. s. 38, ff. Heft 3. s. 59, ff. Arnold von Brescia, u. s. Zeit von D. H. Francke. Zürich, 1825. 8.

⁹ Otto Frising, l. c. Arnaldus iste ex Italia, civitate Brixia oriundus ejusdemque Ecclesiae clericus ac tantum lector ordinatus, Petrum Abailardum olim praeceptorem habuerat. Vir quidem naturae non hebetis, plus tamen verborum profluvio, quam sententiarum pondere copiosus. Singularitatis amator, novitatis cupidus, ejusmodi hominum ingenia ad fabricandas haereses, schismatumque perturbationes sunt prona. Is a studio a Gallis in Italiam revertens religiosum habitum, quo amplius decipere possit, induit, omnia lacerans, omnia rodens, nemini parcens, Clericorum ac Episcoporum derogator, monachorum persecutor, laicis tantum adularis. Dicebat enim, nec Clericos proprietatem, nec Episcopos regalia, nec monachos possessiones habentes aliqua ratione salvari posse. Cuncta haec Principis esse, ab ejusque beneficentia in usum tantum laicorum cedere oportere. Praeter haec de sacramento altaris, et baptismo parvulorum non sane dicitur sensisse. Cf. Guntheri Ligerinus lib. iii. v. 273, ss. He wished to leave the clergy nothing but the

— primitias, et quae devotio plebis
Offerat, et decimas castos in corporis usus
Non ad luxuriam, sive oblectamina carnis
Concedens; mollesque cibos, cultusque nitorem,
Illicitosque jocos, lascivaeque gaudia Cleri,
Pontificumque fastus, Abbatum deinde laxos
Damnabat penitus mores, monachosque superbos:
Veraque multa quidem, nisi tempora nostra fideles
Respuerent monitus, falsis admixta monebat.

Bernardi epist. 195. ad Episc. Constantiensem ann. 1140:—Arnaldum loquor de Brixia, qui utinam tam sanae esset doctrinae, quam districtae est vitae. Et si vultis scire, homo est neque manducans neque bibens, solo cum diabolo esuriens et sitiens sanguinem animarum. —Is ergo ad hanc actatam ubicunque conversatus est, tam foeda post se et tam saeva reliquit vestigia, ut, ubi semel fixerit pedem, illuc ultra

Arnold fled into France ; but his doctrines had found acceptance even in Rome, and Innocent II., shortly before his death, had the mortification of finding that the Romans renounced their allegiance to him (1143.) They now wished to restore the constitution as it had been under the old emperors, and asked the Emperor Conrad to undertake the imperial character.¹⁰ Arnold

redire omnino non audeat. Denique ipsam, in qua natus est, valde atrociter commovit terram, et conturbavit eam. Unde et accusatus apud dominum Papam schismate pessimo, natali solo pulsus est ; etiam et abjurare compulsus reversionem, nisi ad ipsius Apostolici permissionem. Pro simili deinde causa et a regno Francorum exturbatus est schismaticus insignis. *Execratus quippe a Petro Apostolo adhaeserat Petro Abailardo.* Cujus omnes errores ab Ecclesia jam deprehensos atque damnatos cum illo etiam et prae illo defendere acriter et pertinaciter conabatur. Though Franke, carrying out former suggestions (*e. g.* Bulaei hist. univ. Paris. ii. 155. Leger hist. des vallées de Piémont i., 155, &c.), illustrates Arnold's peculiar cast of mind, from his connection with the Waldenses and Cathari, nevertheless the most decisive testimonies of contemporaries declare, that he did not separate in his rule of faith from the Church. See the passages last quoted from Guntheri Ligur. at the end, Bernard's expression is Schisma Pessimum. Also Gerhohus de investigat. Antichristi lib. i. in J. Gretseri prolegg. ad scriptt. adv. Waldenses cap. 4, calls Arnold's doctrine, doctrina prava, quae eisi zelo forte bono, sed minori scientia prolata est. — Schmidt Kirchengesch. vi. 174, doubts, but without reason, whether Arnold's peculiar teaching rose from Abaelard's school, as has been commonly believed on the authority of Otto Frising. He concludes from the above mentioned passage of Bernard, that Arnold did not become connected with Abaelard till the year 1139. On what authority Schlosser's assertion rests, that Arnold had already lived in Rome before 1139, I cannot tell.

¹⁰ Otto Frising. de rebus gest. Frid. i. lib. i. cap. 28. Epist. Romanorum ad Regem Conradum : Regali excellentiae per plurima jam scripta, nostra facta et negotia diligenter exposuimus, quomodo in vestra fidelitate permaneamus, ac pro vestra imperiali corona exaltanda et omni modo augenda quotidie decertemus. Ad quae quia regalis industria, ut postulavimus, rescribere dignata non fuit, plane tamquam filii et fideles de domino et patre satis miramur.—Et quidem regnum et imperium Romanorum, vestro a Deo regimini concessum, exaltare atque amplificare cupientes, et in eum statum, quo fuit tempore Constantini et Justiniani, qui totum orbem vigore senatus et populi Romani stis tenuere manibus, reducere : senatu pro his omnibus Dei gratia restituto, et eis, qui vestro imperio semper rebelles erant, quique tantum honorem Romano imperio subripuerant, magna ex parte conculcatis : quatenus ea, quae Caesari et Imperio deberentur, per omnia et in omnibus obtineatis, vehementer atque unanimiter satagimus atque studemus.—Appropinquet itaque nobis imperialis celeriter vigor :

also appeared in Rome,¹¹ and Lucius II. met his death as he endeavoured to carry the capitol by storm.¹² Eugene III. removed himself from the neighbourhood of this dangerous and degrading warfare (1146) to begin under Bernard's guidance a more glorious career in France.

When, forsooth, the new kingdom of Jerusalem, hard pressed by the Infidels, demanded speedy help, Bernard succeeded once again in rekindling that enthusiasm for the Holy Land,¹³ by

quoniam quicquid vultis in urbe obtinere poteritis : et ut breviter ac succincte loquamur, potenter in urbe, quae caput mundi est, ut optamus, habitare, toti Italiae ac regno Teutonico, omni clericorum remoto obstaculo, liberius et melius, quam omnes fere antecessores vestri, dominari valebitis.—There are two letters written in the same spirit, one by three consiliatores Curiae Romanae, the other by a senator to the Emperor Conrad, see in Martene et Durand ampliss. collect. ii. 398. In the second is the petition that he will make himself master of Rome, ut sine vestra jussione ac dispositione nunquam de caetero Apostolicus in Urbe ordinetur. Sic enim fuit tempore b. Gregorii, qui sine assensu Imp. Mauricii Papa esse nequivit, et sic usque ad tempus Gregorii VII. perduravit. Propter id utile esse affirmo, ne per sacerdotes bella fiant aut homicidia in mundo. Nam non eis licet ferre gladium et calicem, sed praedicare, praedicationem vero bonis operibus confirmare, nequaquam bella et lites in mundo committere.

¹¹ Lucii P. epist. ad Conrad. R. (in Otto Frising. chron. vii. c. 31, in Mansi xxi. 609): Populus Romanus nullas insaniae suae metas ponere volens, Senatoribus, quos ante instituerant, Patricium adjiunt, atque ad hanc dignitatem Jordanum Petri Leonis filium eligentes, omnes ei tamquam Principi subjiuntur.—Deinde Pontificem suum adeunt, ac omnia regalia ejus, tam in Urbe, quam extra posita, ad jus Patricii sui reposeunt, eumque more antiquorum sacerdotum de decimis tantum et oblationibus sustentari oportere dicentes, de die in diem animam justii affligere non timuerunt.—Otto Frising. de rebus gestis Frid. i. lib. ii. c. 20 : Comperta vero morte Innocentii, circa principia pontificatus Eugenii, Urbem ingressus (Arnaldus), cum eam contra Pontificem suum in seditionem excitatam invenisset,—amplius eam in seditionem excitavit, proponens antiquorum Romanorum exempla, qui ex senatus maturitatis consulto, et ex juvenum animorum fortitudinis ordine et integritate, totum orbem terrae suum fecerint. Quare reaedificandum Capitolium, renovandam dignitatem senatoriam, reformandum equestrem ordinem docuit. Nihil in dispositione Urbis ad Romanum spectare Pontificem, sufficere sibi ecclesiasticum judicium debere.—Haec et his similia cum—a morte Coelestini usque ad haec ab eo—agerentur tempora etc.

¹² Godefridus Viterbiensis († 1168) Pantheon P. xvii. (in Pistorius ii. 349.)

¹³ On Bernhard's Crusade-preaching s. Neander, V. i. 201. Wilken Krenzzüge, III. i. 33. Raumer i. 521.

which especially the Papacy had been raised to the pinnacle of its power.¹⁴ Mighty armies marched thitherward in the spring of the year 1147, under the Emperor Conrad III. and King Lewis VII. (the second Crusade): almost all fell victims, and the leaders came back (1149) without having gained any advantage in battle.¹⁵

When about the same time Eugene was brought back to Rome with the assistance of King Roger, and was thus removed from Bernard's immediate influence, which had long been

¹⁴ Compare above § 48. Eugenii epist. i. ad Ludovicum Regem Gall. (Mansi xxi. 627) repeats first the former graces bestowed on the Crusaders, such as remission of sins, protection of the Church, &c. (comp. § 48, note 8 and 10), but then encroaches yet further on rights not his own: Quicunque vero aere premuntur alieno, et tam sanctum iter puro corde inceperint, de praeterito usuras non solvant: et si ipsi, vel alii pro eis occasione usurarum astricti sunt sacramento vel fide, apostolica eos auctoritate absolvimus. Liceat eis etiam terras sive caeteras possessiones suas, postquam commoniti propinqui sive domini, ad quorum feudum pertinent, pecuniam commodare aut noluerint, aut non valuerint, Ecclesiis vel aliis quoque fidelibus libere sine ulla reclamazione impignorare. Peccatorum remissionem et absolutionem—omnipotentis Dei et b. Petri Apostolorum principis auctoritate nobis a Deo concessa, talem concedimus, ut qui tam sanctum iter devote inceperit et perfecerit, sive ibidem mortuus fuerit, de omnibus peccatis suis, de quibus corde contrito et humiliato confessionem suscepit, absolutionem obtineat, et sempiternae retributionis fructum ab omnium remuneratore percipiat.

¹⁵ On the second Crusade, Odo de Diogilo (from Deuil near Paris, Monk of S. Denys, who took part in it, has left us, de profectione Ludovici VII. in Orientem (in Chiflet Bernardi genus illustre adsertum. 1660. 4.) Willelmus Tyrensis lib. xvi. c. 18, ss. Wilken III. i. 84. Schlosser III. i. 428. Raumer i. 530.—The unhappy issue drew down censure on Bernhard (his defence may be found de consider. ii. c. i. Joannes Abb. Casemarii in his letter of consolation ad Bernard. among Bernard's letters ep. 333, gives as his opinion: Si hoc, quod coeperant, sicut decet Christianos, juste ac religiose prosecui vellent, Dominus cum eis esset, ac magnum fructum per eos perfecisset. Sed quoniam ipsi ad mala sunt devoluti, et hoc nequaquam Dominum, qui auctor viae fuerat, a principio latere potuit; ut sua providentia in sui dispositione non falleretur, malitiam eorum in suam convertit clementiam, et inmisit eis persecutiones et afflictiones, quibus purgati ad regnum pervenire possent.—Sed ne in dubium veniat, quod dico, quasi patri meo spirituali in confessione aperio, quod patroni loci nostri, b. Joannes et Paulus, saepius nos visitare dignati sunt, quos ego super hac re interrogari feci, et hujusmodi sententiam responderunt. *Dicebantque, multitudinem Angelorum, qui ceciderant, de illis, qui ibi mortui sunt, esse restauratos*), and weakened the enthusiasm for crusades in general. See Wilken III., i. 270.

regarded with displeasure by the Cardinals :¹⁶ Bernard wrote for him that remarkable exhortation, the treatise *De Consideratione*, libb. v. It was a warning sign for the Papacy, which was now outstepping all bounds, put forth by one of its most faithful venerators ; though embarrassed by prejudices in favour of the hierarchy,¹⁷ he still had too much personal religion not to recognize the secular direction of the Papacy in its perverted state,¹⁸ and forbode its final consummation.¹⁹

¹⁶ Comp. The outburst of their discontent against Eugene in the Council of Rheims, 1148, in Otto Frising. *de rebus gest. Frid. lib. i. c. 57* : *Scire debes, quod a nobis, per quos tanquam per cardines universalis Ecclesiae volvitur axis, ad regimen totius Ecclesiae promotus, a privato universalis pater effectus, jam deinceps te non tuum sed nostrum potius esse oportere : nec privatas et modernas amicitias antiquis et communibus praeponere etc.*

¹⁷ *De consid. ii. c. 8.* Description of the pontifical dignity : *Quis es ? Sacerdos magnus, summus Pontifex. Tu princeps Episcoporum, tu haeres Apostolorum, tu primatu Abel, gubernatu Noë, patriarchatu Abraham, ordine Melchisedech, dignitate Aaron, auctoritate Moyses, judicatu Samuel, potestate Petrus, unctione Christus. Tu es, cui claves traditae, cui oves creditae sunt. Sunt quidem et alii caeli janitores, et gregum pastores : sed tu tanto gloriosius, quanto et differentius utrumque prae caeteris nomen haereditasti. Habent illi sibi assignatos greges, singuli singulos : tibi universi crediti, uni unus. Nec modo ovium, sed et pastorum tu unus omnium pastor.*

¹⁸ For instance *De consid. ii. c. 6.* *Factum (te) superiorem dissimulare nequimus ; sed enim ad quid, omnimodis attendendum ; non enim ad dominandum opinor.—Multo minus inveniri oportet aut deliciis resolutum, aut resupinum pompis. Nihil horum tibi tabulae testatoris assignant.—Nec locus est otio, ubi sedula urget sollicitudo omnium Ecclesiarum. Nam quid tibi aliud dimisit s. Apostolus ? Quod habeo, inquit, hoc tibi do (Act. iii. 6.) Quid illud ? Unum scio, non est aurum neque argentum, cum ipse dicat : *Argentum et aurum non est mihi.* Si habere contingat, utere non pro libitu, sed pro tempore.—Usus horum bonus, abusio mala, sollicitudo peior, quaestus turpior. Esto, ut alia quacunque ratione haec tibi vindices, sed non apostolico jure. Nec enim tibi ille dare, quod non habuit, potuit. Quod habuit, hoc dedit, sollicitudinem, ut dixi, super Ecclesias. Numquid dominationem ? Audi ipsum : *Non dominantes, ait, in clero, sed forma facti regis* (1 Petr. v. 3). Et ne dictum sola humilitate putes, non etiam veritate, vox Domini est in Evangelio : *Reges gentium dominantur eorum etc.* et infert : *Vos autem non sic* (Luc. xxii. 25, 26.) Planum est, Apostolus interdicatur dominatus.—Lib. iii. c. 1 : Praesis ut prosis,—ut dispenses, non imperes. Hoc fac, et dominari ne affectes hominum homo, ut non dominetur tui omnis injustitia. At satis superque id intimatum supra, cum, quis sis, disputaretur. Adde tamen et hoc : nam *nullum tibi venenum, nullum gladium plus formido, quam**

Meanwhile Eugene had continually to struggle against the opposition party, still a strong one, at Rome.²⁰ And the accession of Frederick I (Barbarossa) in 1152 to the empire in Germany, increased the danger of the Papacy; for though he

libidinem dominandi. Lib. iv. c. 2: Inter hæc tu pastor procedis deauratus, tam multa circumdatus varietate. Oves quid capiunt? Si auderem dicere; daemonum magis quam ovium pascua hæc. Scilicet sic factitabat Petrus, sic Paulus ludebat? Vides omnem ecclesiasticum zelum fervere sola pro digiuitate tuenda? Honori totum datur, sanctitati nihil, aut parum.—Cap. 3: Scio, ubi habitas; increduli et subversores sunt tecum. Lupi, non oves sunt: talium tamen tu pastor.—Hic, hic non parco tibi, ut pareat Deus. Pastorem te populo huic certe aut nega, aut exhibe. Non negabis, ne, cujus sedem tenes, te neget haeredem. Petrus hic est, qui nescitur processisse aliquando vel gemmis ornatus, vel sericis, non tectus auro, non vectus equo albo, nec stipatus milite, nec circumstrepentibus septus ministris.—*In his successisti non Petro, sed Constantino. Consulo toleranda pro temporis, non affectanda pro debito.* Ad ea te potius incito, quorum te scio debitorem.

¹⁹ L. c. lib. ii. c. 6: I ergo tu, et tibi usurpare aude aut dominans apostolatam, aut apostolicum dominatum. Plane ab alterutro prohiberis. *Si utrumque simul habere voles, perdes utrumque.* Alioquin non te exceptum illorum numero putes, de quibus queritur Deus sic: *Ipsi regnaverunt, et non ex me: principes extiterunt, et ego non cognovi* (Hos. viii. 4.) Iam si regnare sine Deo juvat, habes gloriam, sed non apud Deum. At si interdictum tenemus, audiamus edictum: *Qui major est vestrum, fiat sicut junior, et qui praeceptor est, sicut qui ministrat* (Luc. xxii. 26.) Forma apostolica hæc est; dominatio interdicatur, indicitur ministratio.

²⁰ Which now under the title of S. P. Q. R., enlarged its claims even over the Empire. Guntheri Ligurinus lib. iii., v. 337, ss., writes on Arnold's activity in Rome:

Consiliis armisque sua moderamina summa
Arbitrio tractare suo, nil juris in hac re
Pontifici summo, modicum concedere Regi,
Suadebat populo.

cf. Eugenii P. epist. ad Wibaldum Abb. ann. 1152 (in Martene et Durand ampliss. collect. ii., 553): Ad hæc Sanctitati tuae quaedam notificamus, quæ faciente Arnolde hæeretico rusticana quaedam turba absque nobilibus et majorum scientia nuper est in urbe molita. Circiter enim duo millia in unum sunt secretius conjurati, et in proximis Kal. Novembris centum perpetuos senatores malorum operum et duos consules, alter quorum infra urbem, alter extra, illorum centum consilio reipublicae statum disponant, immo potius rodant (an institution probably borrowed from the Lombard Towns, Savigny's Gesch. d. Rom. Rechts im Mittelalter iii. 116.) Unum autem, quem volunt Imperatorem dicere, creare disponunt, quem illis centum, duobus consulibus et omni populo Romano sperant, quod debeat mortificare imperare. Quod quia

immediately made overtures of friendship to the Pope,²¹ still at the same time he gave proof that he was prepared stoutly to maintain his imperial rights.²²

§ 52.

HADRIAN IV. (1154—1159). ALEXANDER III. (+ 1181).

Hadrian compelled the Romans to banish the dangerous *contra coronam Regni et carissimi filii nostri Friderici, Romanorum Regis, honorem attentare praesumunt, eidem volumus per te secretius nuntiari etc.* About the same time, one Wetzel wrote to the Emperor Frederick (ibid. p. 554): *Immensa laetitia, quod gens vestra vos sibi in Regem elegerit, moveor. Caeterum quod consilio clericorum et monachorum, quorum doctrina divina et humana confusa sunt, sacrosanctam Urbem, dominam mundi, creatricem et matrem omnium Imperatorum, super hoc, sicut deberetis, non consulistis, et ejus confirmationem, per quam omnes, et sine qua nulli umquam Principes imperaverunt, non requisistis, nec ei sicut filius, si tamen filius et minister ejus esse proposuistis, non scripsistis, vehementer doleo.* This too is worthy of note: *Mendacium vero illud et fabula haeretica, in qua refertur Constantinum Silvestro imperialia simoniace concessisse in Urbe, ita detecta est, ut etiam mercenarii et mulierculae quoslibet etiam doctissimos super hoc concludant [confundant?], et dictus Apostolicus cum suis Cardinalibus in civitate prae pudore apparere non audeant.* At the end comes a suggestion, that he should soon send ambassadors to Rome, *assumptis peritis legum, qui de jure imperii sciant et audeant tractare—et ne aliquid novi ibi contra vos surgat, praevenire curate.*

²¹ Comp. Frid. ep. ad Eugen. iii. (in Martene et Durand ampl. coll. ii. 516.) The tidings of his election and expression of good-will. Thereupon a treaty was concluded (apud Baron. 1152 no. 5), in which the emperor promised, *quod ipse nec treugam nec pacem faciet cum Romanis nec cum Rogerio Rege Siciliae sine libero consensu et voluntate Romanorum et domini Papae Eugenii,—et pro viribus laborabit Romanos subjugare domino Papae etc.* The Pope on the other hand, *quod—Imperatorem coronabit, et ad manutenendum, augendum et dilatandum honorem Imperii pro debito officii sui juvabit.* The doubts which Schröckh xxvi. 150, and after him Planck and Schmidt have raised about the date of this document, *Constantiae X. Kal. Apr. Ind. XV., anno dominicae Incarnationis MCLII.,* are groundless. At that time the year began with Easter (comp. l'art de vérifier les dates, nouv. éd. par M. de Saint Alais i. 21. Note), so this date, according to our calendar, is the 23d of March, 1153. But that Frederick was actually in Constance at that time, see Raumer ii. 530.

²² In this way, he carried his right of decision in a disputed election at Magdeburg. Otto Fris. de Rebus gest. Frid. i. lib. ii. c. 6, ss. Schmidt's KG. vi. 180. Raumer ii. 13.

Arnold of Brescia.¹ But a more redoubtable antagonist seemed to arise in Frederick I., when he set forth on his Roman journey, with the intention of restoring the almost forgotten imperial rights in Italy (1154), and began with humbling the Lombard towns.² However the Pope was evidently more at ease when Frederick commanded that Arnold, now wandering from place to place, should be delivered up to him,³ and rejected the proposals of the arrogant Romans.⁴ Little misunderstandings were laid aside,⁵ and on the 18th June, 1155, Frederick received the Imperial crown.

Frederick felt himself all the more aggrieved when (1156) the Pope concluded a selfish treaty with their common enemy William King of Sicily, and confirmed him in his conquests.⁶ The arrogant expressions of a Papal brief to the Emperor gave the

¹ Vita Adriani IV. ex Card. Aragon. in Muratori III. i. 441, ss. From which Baronius, ann. 1155, No. 1., ss., gives us some of the passages relating to this time out of a manuscript in the Vatican.

² J. Voight Gesch. d. Lombarden-Bundes und s. Kampfes mit. K. Friedrich I. Königsberg 1818. Schlosser III. i. 294. Raumer ii. 16.

³ Otto Frising. de gest. Frid. lib. ii. c. 20. (in Murat. 21.) Godofredi Viterbiensis Pantheon. P. xvii. Gerhohus (Provost in Reichersperg, † 1169) de investigat. Antichristi lib. i. (in Gretser prolegg. ad scriptt. adv. Waldenses c. 4): suspendio neci traditus, quin et post mortem incendio crematus, atque in Tiberim fluvium projectus est, ne videlicet Romanus populus, quem sua doctrina illexerat, sibi eum Martyrem dedicaret. Quem ego vellem pro tali doctrina sua, quamvis prava, vel exilio, vel carcere, aut alia poena praeter mortem punitum esse, vel saltem taliter occisum, ut Romana Ecclesia seu Curia ejus necis quaestione careret.

⁴ Given in detail by Otto Fris. l. c. cap. 21. (in Murat. 22.)

⁵ There are several notices of the quarrel about holding the stirrup in Helmoldi Chron. Slav. i. c. 80. And in the Vita Adr. ex. Card. Arag. l. c. p. 443.

⁶ The treaties of peace are preserved by Baronius 1156, no. 4. The Pope granted to William to hold in fee regnum Siciliae, ducatum Apuliae, principatum Capuae cum omnibus pertinentiis suis, Neapolim, Salernum, et Malphiam cum pertinentiis suis, Marchiam et alia quae ultra Marsicam debet habere. On this account Frederick accused the Pope (Radevicius de gestis Frid. lib. ii. c. 31), quod ipse prior pacem atque concordiam, quae inter Papam Eugenium et nos facta fuerat et scripta, violasset in Siculo, cui ipse sine nobis reconciliari non debuisset (cf. § 51. not. 21.) Besides so early as 1137 Lothair had claimed the feudal lordship of Apulia (Otto Fris. Chron. vii. c. 20.) However Innocent II., 1139, without any reference to the Emperor, had en-

first occasion for an outbreak of discontent (1157);⁷ and as all estates, even the Bishops, partook in it,⁸ the Pope was forced

feoffed Roger in this country also (Baron. 1139 no. 12); yet the Emperor's claims were never withdrawn.—Comp. Raumer ii. 71.

⁷ On the whole scene at the meeting of the Imperial diet in Besançon, see Radevicus lib. i. c. 8—10. The objectionable passage of the Papal brief (ib. c. 9, in Mansi xxi. 789) runs thus: *Debes enim, gloriosissime fili, ante oculos mentis reducere, quam gratanter et quam jucunde alio anno mater tua sacrosancta Romana Ecclesia te suscepit,—quantam tibi dignitatis plenitudinem contulerit et honoris, et qualiter imperialis insigne coronae libentissime conferens, benignissimo gremio suo tuae Sublimitatis apicem studuerit confovere.*—*Neque tamen poenitet nos desideria tuae voluntatis in omnibus implevisse: sed si majora beneficia Excellentia tua de manu nostra suscepisset, si fieri posset, considerantes, quanta Ecclesiae Dei et nobis per te incrementa possint et commoda provenire, non immerito gauderemus.* Radevicus c. 10 remarks these words were offensive to the nobles on this account: *Quod a nonnullis Romanorum temere affirmari noverant, imperium Urbis, et regnum Italicum donatione Pontificum Reges nostros hactenus possedissee, idque non solum dictis, sed et scriptis atque picturis repraesentare, et ad posteros transmittere. Unde de Imperatore Lothario in palatio Lateranensi super hujusmodi picturam scriptum est:*

*Rex venit ante fores, jurans prius Urbis honores,
Post homo fit Papae, sumit quo dante coronam.*

(There is a description of this painting in the chron. Godefridi s. Pantal. in Würdtwein nov. subsid. diplom. xiii. 33. The feudal grant of Matildas Allodium, § 51, note 4. was understood as a grant of the Empire in fee.) The alarm grew yet greater, when one of the legates hazarded the question: *A quo ergo habet, si a domino Papa non habet imperium? ob hoc dictum eo processit iracundia, ut unus eorum, videlicet Otto Palatinus Comes de Bajoaria, ut dicebatur, prope exerto gladio cervici illius mortem intentaret.* At Fridericus auctoritate praesentiae suae interposita, tumultum quidem compescuit: ipsos autem legatos securitate donatos ad habitacula deduci, ac primo mane via proficisci praecepit: addens in mandatis, ne hac vel illac in territoriis Episcoporum seu Abbatum vagarentur, sed recta via, nec ad dextram, nec ad sinistram declinantes, reverterentur ad Urbem. Then Radwich adds an appeal from the Emperor to the kingdom issued on this account. Comp. Planck, IV. i. 365.

⁸ Radevicus l. c. 15: The legates came back so indignant to Rome that in ultionem eorum, quae se pertulisse dixerunt, Romanae urbis Episcopum provocarent. In hoc negotio clerus Romanus ita inter se divisus est, ut pars eorum partibus faveret Imperatoris, et eorum qui missi fuerant incuriam seu imperitiam causaretur, quaedam vero pars votis sui Pontificis adhaereret. Radwich places next the epistle of the Pope to the German bishops (also in Mansi xxi. 790.) But they in their answer declare themselves very decisively on the side of the Emperor (Radev. i. c. 16. Mansi xxi. 792), and transmit the following

to endeavour by excuses to soften their indignation (1158).⁹ Thereupon Frederick went a second time into Italy,¹⁰ held a brilliant Parliament on the Roncalian fields, and here (1158) had the Imperial privileges defined, according to the fundamental principles of the Roman jurisprudence, by civilians from Bologna.¹¹

statement of the Emperor, to the Pope himself: Duo sunt, quibus nostrum regi oportet imperium, leges sanctae Imperatorum et usus bonus praedecessorum et patrum nostrorum. Istos limites Ecclesiae nec volumus praeterire, nec possumus: quicquid ab his discordat, non recipimus. Debitam patri nostro reverentiam libenter exhibemus; liberam Imperii nostri coronam divino beneficio adscribimus, electionis primam vocem Moguntino Archiepiscopo, deinde quod superest, caeteris secundum ordinem Principibus recognoscimus, regalem unctionem Coloniensi. supremam vero, quae imperialis est, summo Pontifici: quicquid praeter haec est, ex abundanti est, a malo est.—In capite orbis Deus per Imperium exaltavit Ecclesiam, in capite orbis Ecclesia (non per Deum, ut credimus) nunc demolitur Imperium. A pictura coepit, ad scripturam pictura processit, scriptura in auctoritatem prodire conatur. Non patiemur, non sustinebimus: coronam ante ponemus, quam Imperii coronam una nobiscum sic deponi consentiamus. Picturae deleantur, scripturae retractentur, ut inter Regnum et Sacerdotium aeterna inimicitiarum monumenta non remaneant. Accordingly, the bishops advise ut magnanimitatem filii vestri, sicut bonus Pastor, leniatis scriptis vestris scripta priora suavitate mellita dulcorantibus etc.

⁹ Hadriani ep. ad. Frid. (in Radevicius i. c. 22, in Mansi xxi. 793): —Occasione siquidem ejusdam verbi, quod est, "*beneficium*" tuus animus, sicut dicitur, est commotus, quod utique, nedum tanti viri, sed nec cujuslibet minoris animi merito commovisset. Licet enim hoc nomen quod est *beneficium*, apud quosdam in alia significatione, quam ex impositione habeat, assumatur: tunc tamen in ea significatione accipiendum fuerat, quam nos ipsi posuimus, et quam ex institutione sua noscitur retinere. Hoc enim nomen ex bono et facto est editum, et dicitur beneficium apud nos non feudum, sed bonum factum.—Et tu quidem Magnificentia liquido recognoscit, quod nos ita bene et honorifice imperialis dignitatis insigne tuo capiti imposuimus, ut bonum factum valeat ab omnibus judicari. Unde quod quidam verbum hoc et illud, scilicet: *Contulimus tibi insigne imperialis coronae*, a sensu suo visi sunt ad alium retorquere: non ex merito causae, sed de voluntate propria, et illorum suggestionem, qui pacem Regni et Ecclesiae nullatenus diligunt, hoc egerunt. Per hoc enim vocabulum *contulimus* nil aliud intelleximus, nisi quod superius dictum est *imposuimus*.

¹⁰ For what follows see Planck IV. i. 375. Voigt Gesch. des Lombarden-Bundes, s. 13. Schlosser III. i. 309. Raumer ii. 84.

¹¹ The four doctors of Ravenna were Bulgarus, Martinus Gosias, Jacobus Hugolinus, and Hugo de Porta Ravennate. Now the maxim that the Emperor was the Lord of the world, taken from the Roman law (Dig. lib. xiv. tit. 2. l. 9: Ego quidem mundi dominus), began to

As the Bishops and the Pope were injured thereby in many points,¹² strict explanations ensued betwixt the latter and the Emperor,¹³ and Hadrian was just on the point of pronouncing the ban upon Frederick when he died (1159.)

be vindicated (see the anecdote in Otto Morena, according to the edition of Ossius in Muratori scriptt. rer. Ital. vi. 1018): and the Archbishop of Milan utters the following maxims in an address to the Emperor (Radevicius ii. c. 4): *Scias itaque omne jus populi in condendis legibus tibi concessum, tua voluntas jus est, sicuti dicitur: Quod Principi placuit, legis habet vigorem, cum populus ei et in eum omne suum imperium et potestatem concesserit.* Quodcumque enim Imperator per epistolam constituerit, vel cognoscens decreverit, vel edicto praeceperit, legem esse constat. Very nobly does Frederick speak his mind on this point, in the speech with which he opened the diet (l. c. cap. 3): *Nos regium nomen habentes, desideramus potius legitimum tenere imperium pro conservanda cuique sua libertate et jure, quam, ut dicitur, omnia impune facere, h. e. Regem esse, per licentiam insolescere, et imperandi officium in superbiam dominationemque convertere.*—Sed nec per nostram desidiam quemquam Imperii gloriam et excellentiam imminuere patiemur.

¹² Especially by the following act. Before now, in the year 1136, Lothair had passed a law in the Roncalian diet, nemini licere beneficia, quae a suis senioribus habet, sine ipsorum permissione distrahere (cod. de feudis tit. 52.) Frederick renewed this decree in the present diet (Radevicius ii. c. 7, Cod. de feud. tit. 55): *sancimus, ut nulli liceat feudum totum vel partem aliquam vendere, vel pignorare, vel quomodolibet alienare, vel pro anima judicare, sine permissione majoris domini, ad quem feudum spectare dinoscitur.* Unde Imperator Lotharius tantum in futurum cavens, ne fieret, promulgavit. Nos autem ad pleniorum regni utilitatem providentes, non solum in posterum, sed etiam hujusmodi prius illicitas alienationes perpetratas hac praesenti sanctione cassamus, et in irritum deducimus etc. Guntheri Ligurinus ix. v. 105 ss.:

Praecipue postquam sua jura recognita fisco
Assensu Procerum per cunctas comperit urbes,
Indoluit facto, quantumque videbat honoris
Accessisse Viro, tantum Pater ipse putabat
Decessisse sibi etc.

¹³ The two bitter letters from Hadrian to Frederick, and from Frederick to Hadrian, in the appendix to Radevicius (in Baron. ann. 1159 no. 5 and 6.) Muratori annal. vi. 536, considers as spurious, yet without proof. The point at issue one sees most exactly from the negotiations of a Papal Embassy with the Emperor, of which Eberhard Bishop of Bamberg, present at the time, sends intelligence to Eberhard Archbishop of Salzburg (ap. Radevicius ii. c. 30.) The Pope made the following demands: *Nuntios ad Urbem ignorante Apostolico ab Imperatore non*

Notwithstanding this two parties had grown up in the College of Cardinals, one Imperial, the other Sicilian:¹⁴ a disputed election was the consequence. Victor IV. was recognized by Frederick, Alexander III. in most other countries.¹⁵ Meanwhile the hatred of the Lombards against Frederick was aggravated more and more by oppressions.¹⁶ The Veronese League was formed;¹⁷ encouraged by Alexander's return to Rome

esse mittendos, cum omnis magistratus inibi b. Petri sit cum universis regalibus. De dominicalibus Apostolici fodrum non esse colligendum, nisi tempore suscipiendae coronae. Episcopos Italiae solum sacramentum fidelitatis sine hominio facere debere domino Imperatori. Neque nuntios Imperatoris in palatiis Episcoporum recipiendos. De possessionibus Ecclesiae Romanae restituendis, et tributis Ferrariae, Massae Ficorolu, totius terrae Comitissae Mathildis, totius terrae quae ab Aquapendente est usque Romam, ducatus Spoletani, insularum Sardiniae, Corsicae. Frederick had many counter-grievances. On this proposal being made, he answered: Quamvis non ignorem ad tanta negotia non ex animi mei sententia, sed ex consilio Principum me respondere debere, sine praepudicio tamen sapientum hoc absque consultatione respondeo. Episcoporum Italiae ego quidem non effecto hominum, si tamen et eos de nostris regalibus nihil delectat habere. Qui si gratanter audierint a Romano Praesule: *quid tibi et Regi?* consequenter quoque eos ab Imperatore non pigeat audire: *quid tibi et possessioni?* (according to Augustini in Joannem tract 6, in Gratianus dist. viii. c. 1.) Nuntios nostros non esse recipiendos in palatiis Episcoporum asserit. Concedo, si forte aliquis Episcoporum habet in suo proprio solo et non in nostro palatium. Si autem in nostro solo et allodio sunt palatia Episcoporum, cum profecto omne quod aedificatur solo cedit (according to Digestor. lib. xli. tit. 1. leg. 7, § 10), nostra sunt et palatia. Injuria ergo esset, si quis nuntios nostros a regiis palatiis prohiberet. Legatos ab Imperatore ad Urbem non esse mittendos affirmat, cum omnis magistratus inibi b. Petri sit cum universis regalibus. Haec res, fateor, magna est et gravis, graviorique et maturiori egens consilio. Nam cum divina ordinatione ego Romanus Imperator et dicar et sim, speciem tantum dominantis effingo, et inane utique porto, nomen ac sine re, si urbis Romae de manu nostra potestas fuerit excussa.

¹⁴ There are traces of this above in note 8.

¹⁵ Plank IV. i. 384. Raumer ii. 123. H. Reuters. Gesch. Alexander III. u. d. Kirche s. Zeit. Bd. i. (Berlin 1845), s. 129, 401. The circular-letter of the Concil. Papiense ann. 1160, in behalf of Victor, which Mansi xxi. 1117 gives also, but only in a mutilated form from Radevicus de gestis, Frid. i. lib. ii. c. 70, is to be seen complete in Edw. Brown's appendix ad fasciculum rerum expetendarum et fugiendarum. Lond. 1690, fol. p. 552.

¹⁶ Geschichte der Verhältnisse des Kaisers zu den Lombarden b. Voigt s. 19, ff. Raumer ii. 113, 179.

¹⁷ Voigt s. 55. Raumer ii. 185.

(1165)¹⁸ it quickly extended itself as a Lombard League,¹⁹ fought with increasing advantage against the Emperor, and forced him at last by the battle of Legnano (1176)²⁰ to submission. Alexander's cause had been hitherto one with that of the Lombards: in order to separate them, Frederick gave up his Pope;²¹ he made peace with Alexander at Venice (1177), whilst he only granted to the Lombards a truce for six years.²²

¹⁸ Voigt s. 80. Raumer ii. 197.

¹⁹ Voigt s. 89. Raumer ii. 203.

²⁰ Voigt s. 266. Raumer ii. 244.

²¹ After Victor IV. († 1164) Pascal III. succeeded, who canonized Charlemagne at Frederick's request (1165 Act. ss. ad d. 28, Jan. p. 888. C. G. F. Walchii hist. canonisat. Caroli M. Jenae 1750. 8.), † 1168, then followed Calixtus III.

²² Voigt, s. 274. Schlosser iii. i. 327. Raumer ii. 246. About the negotiations for peace there are two detailed narratives, one in the life of Alexander III., ex Card. Aragon. (in Muratori III. i. 467), the other in the chronicle of Romualdi Archiep. Salernitani, who as Sicilian ambassador was present at the time (in Muratori vii. 217.) The acts in Baronius, 1177, no. 13, ss., are only extracts from these two sources. Besides these are Alex. III. epist. ad Petrum Abb. Casin., ad Richardum Archiep. Cantuariensem, and ad Rogerium Archiep. Eboracensem in Baronius l. c. no. 24—26, in Mansi xxii. 178.—For the negotiations between the Lombards and Frederick, see the legal documents in Muratorii antiquitt. Ital. medii aevi iv. 275, between William of Sicily and Frederick in Romualdus l. c. The most important legal document on Frederick's negotiations with the Pope is *Pax et reconciliatio inter Alex. III. P. et Frid. I. Imp. Anagninae tractata atque praeliminariter conventa* ann. 1176 (is handed down to us *ex archivis Anagniniensibus* by Sigonius *hist. Italiae* lib. xiv., but with arbitrary alterations, and thus adopted into Goldasti *constitt. imperiall.* iii., 360. The genuine text ex cod. Claustro-Neoburgensi in J. D. Schoepflini *commentatt. histor. et crit.* Basil. 1741. 4, p. 533, ss.) The principal conditions are acknowledgment of Alexander as Pope, a fifteen years' peace with William, King of Sicily, a six years peace with the Lombards. Besides III. *Omnem vero possessionem et tenimentum sive praefecturae sive rei alterius, quam Ecclesia Romana habuit. et ipse abstulit per se vel per alios, bona fide restituet [ei salvo omni jure Imperii. Ecclesia quoque Romana omnem possessionem et tenimentum, quod ei abstulit per se vel per alios, bona fide ei restituet] salvo omni jure Ecclesiae Romanae.* (The words in brackets are left out by Sigonius). About Matilda's lands, which had been surrendered to the Emperor by Guelph VI. in the year 1167, the negotiations led to no conclusion. The Pope allowed the Emperor no more than a provisional right of possession, during the fifteen years of the peace with Sicily. Then should all be definitely settled (Scheidii *origines Guelficae* ii. 382.) The statements of Italian

Alexander maintained a still more glorious struggle with Henry II., King of England.²³ Instead of the strict subjection in which the English clergy were kept by the Kings William I. and II., under Stephen (1135—1154), an almost complete independence had been introduced. This drew many evident disorders in its train. Henry II. wished to restore the former relations.²⁴ He

writers, since the fourteenth century, of some disgraceful humiliations, which Frederick was obliged to submit to in Venice (see on this head six papers in J. R. Wegelin thesaurus rerum Suevicarum vol. ii. Lindav. 1757. fol.), are decidedly contradicted from the narrative of an eye-witness in the *Chronicon Venetum*, quod Altinate nuncupatur, in d. Archivio storico italiano t. viii. (Firenze 1845. 8.), p. 174.

²³ Sources for the following history: Thomæ Becket epistolarum libb. vi. ed. Christ. Lupus. Bruxell. 1682. 4. Vita Thomæ, by four of his adherents, Joannes Sarisbur. (in ejusd. epist. Paris, 1611. 4.), Wilhelmus Stephanides (in histor. Anglie. scriptt. ed. Jos. Sparke. Lond. 1723, fol.), Alanus and Herebertus de Bosham, from which four lives, the *Quadrilogus de vita s. Thomæ*, was composed by command of the Pope. (It is found in its best form before Thomæ epistt. ed. Chr. Lupus.) S. Thomas Cantuariensis ed. J. A. Giles. Oxon. 1846, ss. 8, contains in vols. 1 and 2 the life of Thomas, by Joh. Sarisb., Wilhelmus, Alanus, and several other men of the time; vol. 3 and 4, epistolæ Thomæ, greatly enlarged; vol. 5 and 6, epistolæ Gilberti Foliot (Bishop of London and enemy of Thomas); vol. 7 and 8, Herberti de Bosham (Thomas' secretary) opera. The life and letters of Thomas a Becket, by J. A. Giles, London 1846, 2 vols., is a compilation from these sources. Besides, compare Gervasii Cantuariensis (1199) *chron. rerum in Anglia gestarum* (in scriptt. x. Anglie. Lond. 1652, fol.), Radulphus de Diceto (1198) *imagines historiarum ab ann. 1148 ad ann. 1200* (ibid.), Guilelmus Parvus Neubrigensis (1197) *de rebus Angliæ sui temporis* libb. v. (The best edition by Th. Hearne. Oxon. 1719, 3 voll. 8), and Rogeri de Hoveden (1202) *annal. Anglican.* (in Savillii *historic. Angl.* Lond. 1595 fol.), from which Matthew Paris *historia major*, p. 82, ss., has drawn.—Works: Natalis Alex. *hist. eccl. sæc. xi. et xii. dissert.* x., Planck iv. 1. 396. Schlosser iii. 1, 401. *Histoire du démêlé de Henri II., roi d'Angleterre, avec Th. Becket.* à Amsterdam. 1756. 8. *Histoire de la conquête de l'Angleterre par les Normands*, par Aug. Thierry. Paris 1825, ii. 376 (against Thierry's opinion that Thomas struggled for the interest of the Saxons against the Norman oppressors, see Wilmans in Schmidt's *Zeitschr. f. Geschichtswissenschaft* i. 182.) Reuter's *Gesch. Alexander III.* i. 288.

²⁴ Guilelmus Neubrig. *de rebus Angliæ* lib. ii. c. 16: Regi circa curam regni satagenti, et malefactores sine delectu exterminari jubenti, a judicibus intimatum est, quod multa contra disciplinam publicam, scil. furta, rapinae, homicidia a clericis sæpius committerentur, ad quos scilicet laicæ non possit jurisdictionis vigor extendi. Denique ipso

thought he should obtain a faithful ally for this purpose when he raised his Chancellor, Thomas a Becket, to the see of Canterbury (1162.) However, the new rank changed him all at once into the most arrogant of priests, one whose spiritual pride was but barely clad with a monkish show of humility. In a meeting of the Estates of the realm at Clarendon (1164), Henry had the ancient statutes with regard to the clergy revived.²⁵ The whole eccle-

audiente declaratum dicitur, plus quam centum homicidia intra fines Angliae a clericis sub regno ejus commissa.—Nempe Episcopi dum defendendis magis clericorum libertatibus vel dignitatibus, quam eorum vitiis corrigendis resecandisque invigilant, arbitrantur obsequium se praestare Deo et Ecclesiae, si facinorosos clericos, quos pro officii debito canonicae vigore censurae coercere vel nolunt vel negligunt, contra publicam tueantur disciplinam. Unde clerici—habentes per impunitatem agendi, quodcumque libuerit, licentiam et libertatem, neque Deum, —neque homines potestatem habentes reverentur, cum et episcopalis circa eos sollicitudo sit languida, et saeculari eos jurisdictioni sacri eximat ordinis praerogativa.

²⁵ Matthew Paris ad ann. 1164, and quoted from him in the collection of Synodical acts (in Mansi xxi. 1187) Anno Dñm. MCLXIV. in praesentia Regis Henrici apud Clarendoniam—facta est recognitio sive recordatio cujusdam partis consuetudinum et libertatum antecessorum suorum, Regis videl. Henrici, avi sui, et aliorum, quae observari debebant in regno, et ab omnibus teneri, propter dissensiones et discordias saepe emergentes inter clerum et justitios domini Regis et Magnatum regni. Harum vero consuetudinum recognitarum quaedam pars in XVI. capitulis continetur. (The following capitula also have been contributed by Baronius ann. 1164, no 37, from a manuscript in the Vatican, with the Pontifical Damnanus or Toleranus attached to each, from him they are taken by Mansi xxi. 1194.) I. De advocacione et praesentatione Ecclesiarum si controversia emergerit inter laicos, vel inter laicos et clericos, vel inter clericos, in curia domini Regis tractetur et terminetur. *Damn.* II. Ecclesiae de feudo domini Regis non possunt in perpetuum dari absque concessionem ipsius. *Toler.* III. Clerici accusati de quacunque re, summoniti a justitiario Regis, veniant in curiam ipsius, responsuri ibidem de hoc, unde videbitur curiae Regis, quod ibi sit respondendum, et in curia ecclesiastica unde videbitur, quod ibi sit respondendum: ita quod Regis justitiarius mittet in curiam s. Ecclesiae ad videndum, quomodo res ibi tractabitur. Et si clericus convictus vel confessus fuerit, non debet eum de caetero Ecclesia tueri. *Damn.* (cf. Radulph. de Diceto ad ann. 1164. Rex—incongruum esse considerans, clericos a suis justitiariis in publico flagitio deprehensos Episcopo loci reddendos, decreverat, ut quos Episcopus inveniret obnoxios, praesente justitiario Regis exauctoraret, et post curiae traderet puniendos. In contrarium sentiebant Episcopi: quos enim exauctorarent, a manu laicali contenti debant protegere; alioquin bis judicaretur in idipsum.) IV. Archiepiscopis, Episcopis et personis Regni non licet exire Regnum absque licentia domini Regis, et si exierint, si Regi placuerit, securum eum

siastical body, and Thomas among them, swore to observe them. Not long after he made his appearance in the character of a rueful penitent, he had himself absolved from his oath by the Pope, and escaped the King's vengeance by flight into France. Whilst Henry upheld his constitutions by sternness and cruelty, Thomas sought to make an impression by complaints, exhortations, and threats. However the interest of the Pope²⁶ as well as of the King, required that the matter should not be pushed to the utmost: and so at last a reconciliation ensued (1170.)

facient, quod nec in eundo, nec in redeundo, vel moram faciendo perquirent malum sive damnum domino Regi vel Regno. *Damn.*—VII. Nullus, qui de Rege tenet in capite, nec aliquis dominicorum ministrorum ejus, excommunicetur, nec alicujus eorum terrae sub interdicto ponantur, nisi prius dominus Rex, si in regno fuerit, conveniatur, vel justitiarius ejus, si fuerit extra Regnum, ut rectum de eo faciat, et ita quod pertineat ad Regis curiam, ibi terminetur, et quod spectat ad curiam ecclesiasticam, ad eandem mittatur, ut ibidem terminetur. *Damn.* VIII. De appellationibus si emergerint, ab Archidiacono debet procedi ad Episcopum, ab Episcopo ad Archiepiscopum, et si Archiepiscopus defuerit in justitia exhibenda, ad dominum Regem perveniendum est postremo, ut praecepto ipsius in curia Archiepiscopi controversia terminetur; ita quod non debeat ultra procedi absque assensu domini Regis. *Damn.* IX. Si calumnia emergerit inter clericum et laicum, vel e converso, de ullo tenemento, quod clericus velit ad eleemosynam trahere, vel laicus ad laicum feudum, per recognitionem XII. legalium hominum, juxta capitalis justitiarii Regis considerationem terminabitur, utrum tenementum sit pertinens ad eleemosynam sive ad laicum feudum, coram justitiario Regis. *Damn.*—XI. Archiepiscopi, Episcopi et universae personae Regni, qui de Rege tenent in capite, habeant possessiones suas de Rege sicut baroniam, et inde respondeant justitiariis et ministris Regis, et sequantur et faciant omnes rectitudines et consuetudines regias; et sicut caeteri barones debent interesse judiciis curiae Regis cum Baronibus, quousque perveniatur ad diminutionem membrorum vel ad mortem. *Toler.* XII. Cum vacaverit archiepiscopatus, vel episcopatus, vel abbatia, vel prioratus in dominio Regis, esse debet in manu ipsius, et inde percipiet omnes redditus et exitus sicut dominicos redditus suos. Et cum ventum fuerit ad consulendum Ecclesiam, debet dominus Rex mandare potiores personas Ecclesiae, et in capella ipsius Regis debet fieri electio, assensu ipsius Regis et consilio personarum Regis, quas ad hoc faciendum advocaverit. Et ibidem faciet electus homagium et fidelitatem Regi, sicut ligio domino suo, de vita sua et membris, et de honore terreno, salvo ordine suo, priusquam consecratur. *Damn.*—XV. Placita de debitis, quae fide interposita debentur, vel absque interpositione fidei, sint in justitia Regis. *Damn.*

²⁶ As to the negotiations of Henry with the Emperor Frederick

Thomas was beginning again to spread terror and confusion by ecclesiastical arrogance, when four knights murdered him (29th December 1170.)²⁷ But as Henry was generally considered the instigator of the deed, so the Pope might wrest from him important concessions (1172.)²⁸ Thomas was canonized, and as

about the acknowledgment of the Antipope Pascal at the Council of Wurtzburg, see Mansi xxi. 1113.

²⁷ On his death and the miracles at his tomb, see *Johannis Sarisbur. ep.* 286. (*Bibl. PP. Lugd.* xxiii. 528.)

²⁸ See *Gervasius Cantuar.* and *Roger de Hoveden* ad ann. 1172. *Charta absolutionis domini Regis*: Henrico Dei gratia illustri Regi Anglorum Albertus—et Theodinus—presbyteri Cardinales, apostolicae sedis legati, salutem in eo, qui dat salutem Regibus.—Nos mandatum illud in scriptum duximus redigendum, quod vobis pro eo facimus, quia malefactores illos, qui sanctae memoriae Thomam quondam Cantuariensem Archiepiscopum occiderunt, occasione motus et turbationis, quam viderant in vobis, ad illud facinus processisse timetis. Super quo tamen facto purgationem in praesentia nostra de voluntate propria praestitistis, quod videlicet nec praecepistis nec voluistis, ut occideretur, et quando pervenit ad vos, plurimum condoluistis. Ab instanti festo Pentecostes usque ad annum tantam dabitis pecuniam, unde ad arbitrium fratrum templi ducenti milites valeant ad defensionem terrae Hierosolymitanae per spatium unius anni teneri. Vos autem a sequenti natali Domini usque ad triennium accipietis crucem, proxima tunc aestate illuc in propria persona, ducente Domino, profecturi, nisi remanseritis per dominum Papam, vel catholicos successores ejus. Sane si contra Saracenos pro urgente necessitate in Hispaniam profecti fueritis; quantum temporis fuerit, ex quo arripueritis iter, tantundem supradictum spatium Hierosolymitanae perfectionis poteritis prolongare. Appellationes nec impeditis, nec impediri permittetis, quin libere fiant in ecclesiasticis causis ad Romanum Pontificem, bona fide et absque fraude et malo ingenio, ut per Romanum Pontificem causae tractentur, et consequantur effectum suum: sic tamen, ut, si vobis suspecti fuerint aliqui, securitatem faciant, quod malum vestrum, vel Regni vestri non quaerunt. Consuetudines, quae inductae sunt contra Ecclesias terrae vestrae in tempore vestro, penitus dimittetis. Possessiones Cantuariensis Ecclesiae, si quae ablatae sunt, in plenum restituetis, sicut habuit uno anno antequam Archiepiscopus de Anglia egrederetur. Clericis praeterea et laicis utriusque sexus pacem vestram in gratiam, et possessiones suas restituetis, qui occasione praenominati Archiepiscopi destituti fuerunt. Haec autem vobis, auctoritate domini Papae, in remissionem peccatorum vestrorum injungimus et praecipimus observare absque fraude et malo ingenio. Hoc sane coram multitudine personarum juravistis vos pro divinae reverentia majestatis: juravit et filius vester, excepto eo, quod personam vestram specialiter contingebat. Et jurastis ambo, quod a Papa domino Alexandro et catholicis successoribus ejus, quandiu vos sicut antecessores vestros et

Henry soon after was thrown into great embarrassment by the rebellion of his sons : he was compelled, in order to win over public feeling to his side, to undergo a disgraceful penance at the tomb of his adversary (1174.)

Alexander III. began to dispose of the kingdoms of the world in a new way, when he declared the independence of Portugal, to which Castile and Leon laid claim, and granted to it the conquests to be won from the Saracens.²⁹ He sought to obviate the disputed elections so dangerous to the Papal power, by means of a decree of the third Lateran Council (1179), in which, at the same time, the entire dependence of the election upon the Cardinals, just as it was already constituted at that period, was formally recognized.³⁰

catholicos Reges habuerint, minime receditis. The *Juramentum Innocentiae Henrici R. in the vita Alexandri III. ex Card. Aragon.* (in *Muratori III. i.*, 462), and quoted from him by Baronius 1172, no. 5, is probably the Papal draft, and was certainly not executed by the King in this shape. Comp. the conclusion : *Præterea ego et major filius meus Rex juramus, quod a domino Alexandro P. et ejus catholicis successoribus recipimus et tenebimus Regnum Angliae, et nos, et nostri successores in perpetuum non reputabimus nos Angliae Reges veros, donec ipsi nos catholicos Reges tenuerint.* From the letter of the Papal Legate to the Archbishop of Ravenna (in *Roger. de Hoveden*, l. c.) it is clear that at first they could not effect an agreement with the King.—In the year 1173 Henry writes with a view to bring over the Pope to his side against his sons (*Petri Bles. ep.* 136. in *Baron.* 1173 no. 10) : *Vestrae jurisdictionis est Regnum Angliae, et quantum ad feudatarii juris obligationem vobis dumtaxat obnoxius teneor et adstringor. Experiatur Anglia, quid possit Romanus Pontifex etc., and thus it is possible that the oath also may have been interpolated by a Roman hand to suit these later events.*

²⁹ The Bull addressed to Alphonso I. King of Portugal in *Brandao Monarchia Lusit. lib. x.*, and in *Aschbach's Gesch. Spaniens u. Portugals zur Zeit der Almoraviden und Almohaden ii.* 296 :—*personam tuam—sub b. Petri et nostram protectionem suscipimus, et Regnum Portugallensium cum integritate honoris, Regni dignitate, quae ad Reges pertinet, nec non et omnia loca, quae cum auxilio caelestis gratiae de Saracenorum manibus eripueris, in quibus jus sibi non possunt christiani Principes circumpositi vindicare, Excellentiae tuae concedimus, et auctoritate apostolica confirmamus.—Ad indicium autem, quod praescriptum Regnum b. Petri juris existat, pro amplioris reverentiae argumento, statuisti duas marcas auri annis singulis nobis nostrisque successoribus persolvendas.*

³⁰ *Conc. Lateran. iii. c. 1.* (*Mansi xxii.* 217) : *Statuimus igitur, ut si forte, inimico homine superseminante zizania, inter Cardinales de*

§ 53.

LUCIUS III. (1181—1185), URBAN III. (+ OCT. 1187), GREGORY VIII. (+ IN DEC. 1187), CLEMENT III. (+ 1191), CELESTINE III. (+ 8. JAN. 1198.)

Hazardous times for the Papacy seemed to be at hand. Whilst the disturbances at Rome began afresh, and Lucius III. and his immediate successor had to wander from place to place in Italy;¹ Frederick consolidated his power more and more in this country. He made peace with the Lombards at Constance (25. June 1183.)² Then he even negotiated the marriage of his son Henry with Constantia, heiress of Sicily (27. Jan. 1186),³ and seemed thereby to have deprived the Pope of his most trusty ally against the Empire. The Papacy set on foot a counteracting policy. Frederick had already fallen out with Lucius III., on the occasion of a disputed episcopal election at Treves (1183.)⁴ But Urban III. opposed the Emperor in a yet more hostile

substituendo Pontifice non potuerit concordia plena esse, et duabus partibus concordantibus tertia pars noluerit concordare, aut sibi alium praesumserit ordinare; ille Romanus Pontifex habeatur, qui a duabus partibus fuerit electus et receptus. Si quis autem de tertiae partis nominatione confisus, quia rem non potest, sibi nomen Episcopi usurpaverit: tam ipse, quam qui eum receperint, excommunicationi subjaceant, et totius sacri ordinis privatione mulcentur, ita ut viatici eis etiam, nisi tantum in ultimis, communicatio denegetur, et nisi resipuerint, cum Dathan et Abiron, quos terra vivos absorbit, accipiant portionem. Praeterea si a paucioribus aliquis, quam a duabus partibus fuerit electus ad apostolatus officium, nisi major concordia intercesserit, nullatenus assumatur, et praedictae poenae subjaceat, si humiliter noluerit abstinere. Ex hoc tamen nullum canonicis constitutionibus et aliis Ecclesiis praejudicium generetur, in quibus majoris et sanioris partis debet sententia praevallere: quia quod in eis dubium venerit, superioris poterit judicio diffiniri. In Romano vero Ecclesia aliquid speciale constituitur, quia non potest recursus ad superiorem haberi. Cf. Mabillon comm. in ordinem Rom. p. cxv.

¹ Chronicon Fossæ novæ (written about 1217) in Muratorii scriptt. rer. It. vii. 875. Guilelmi de Nangis (about 1301) chronicon in d'Achery specileg. iii. 13.

² The documents of the treaty in Corp. juris civ., after manuscripts noticed in Muratorii antiqu. Ital. iv. 307, in Pertz iv. 175. Comp. Voigt Gesch. des Lombarden-Bundes, s. 329 ff. Raumer ii. 275.

³ W. Jäger Gesch. Kaiser Heinrichs VI. Nürnberg 1793. 8. s. 16, ff. Raumer ii. 310.

⁴ On this head most full and authentic are the Gesta Trevirorum

manner.⁵ When Frederick won the German clergy to his edd. Wytttenbach et Müller i. 272: at the election *maxima pars cleri in personam Rudolphi praepositi Majoris domus—consensit*, afterwards, however, Archdeacon Volkmar raised a party. The cause was brought before the Emperor. A quo ad Constantiam civitatem evocati sunt, ubi iudicio Principum sancitum fuit, quod Imperator per consilium Principum, si in electione discordarent, quam vellet idoneam personam subrogaret. At ipse optionem electionis iterum in praesentia sua eis concessit ita, si praeteritae electionis discordiam deponere vellent. Ubi Folmarus interesse nolens, discessit. Alii vero, quamvis pauci, Rudolfum praepositum iterum electum praesentaverunt, et ab Imperatore investitum ad propria reducerunt. Volkmar betook himself to the Pope, and Frederick, when he met him at Verona, 1184, even allowed another scrutiny. Other matters were here brought under discussion, see Arnoldi (abbot of Lübeck about 1209) chron. Slavorum (at the end of Helmoldus, whom he continued) iii. c. 10. The Emperor interceded for those qui tempore Alexandri P. a Schismaticis ordines susceperant. Then came the question de patrimonio dominae Mechthildis, &c. They agreed upon no point.

⁵ The reason may be found in *Gesta Trevir.*, p. 277. At the capture of Milan, some time before Frederick had taken some relations and the parents of the Pope prisoners, quorum quosdam proscriptione damnavit, quosdam mutilatione membrorum deformare praecepit. Ob cuius itaque facti vindictam dicebant quidam, praedictum Apostolicum, antequam ad sedem Apostolatus conscendisset, gravissimum rancorem servasse in corde suo contra Imperatorem, quod postea in propatulo claruit, secundum eorum assertionem, quibus causa nota erat. Nam postquam ad summi pontificatus gloriam sublimatus fuerat, omnibus viribus laborabat, quomodo Imperatoris dignitatem et excellentiam humiliaret. See the Pope's complaints against the Emperor, in Arnoldi chron. iii. c. 16: Arguebat Imperatorem de patrimonio dominae Mechthildis,—quod ab ipso injuste occupatum dicebat. Affirmabat etiam quod Episcoporum exuvias injuste acciperet, quae dum ipsis mortuis de ecclesiis rapiantur, ecclesiae quasi corrosae et exspoliatae ab Episcopis subintrantibus inveniuntur.—Tertium etiam contra eum proponebat articulum, quod Abbatissarum congregationes plurimas in dispersionem dedisset, dum propter enormitatem ipsarum sub emendationis occasione, usurpatis sibi stipendiis, personas quidem removisset, nec alias ad honorem Dei vel Ecclesiae augmentum sub meliore professione restituisset. To this time belongs Urbani P. epist. ad Frederic. Imp. (in Ludewig reliquiae manuscriptorum ii. 409 and in Mansi xxii. 504), in which he endeavours to deny, that he had supported the Cremonese, the Emperor's enemies, however, Wichman, in ep. ad Urbanum (in Ludewig p. 446), convicts him of this, adding the bitter remark, sub specie dilectionis inimicitias palliari. During the negotiations Urban committed himself so far (see *Gesta Trevir.*), that he contra iuramentum, quia in verbo Domini iuraverat, et per venerabilem virum Monasteriensem Episcopum Hermannum Imperatori mandaverat, videlicet quod Folmaro nunquam manus consecrationis imponeret, sicut idem Episcopus postea coram Principibus confessus est (so also Wichman,

side,⁶ a fresh dissension between the Empire and Papal See

l. c.), electionem Folmari approbare festinavit. After a short show of investigation, electionem Folmari confirmavit, quem confirmatum consequenter in Archiepisc. Treverensem consecravit. Naturally enough Volkmar was not received : and Frederick (Arnoldus iii. c. 17) : considerans obstinatum erga se animum domini Papae clausit omnes vias Alpium et omnium circumquaque regionum, ut nemo pro quolibet negotio adire posset sedem apostolicam. King Henry showed himself at times quite cruel and tyrannical (Arnold. iii. c. 16. Registrum Innocent. P. iii. super negotio Rom. Imperii epist. 29.)

⁶ They were bribed by the Papal demand, that the jus spoliurum should be abolished (about this see below, § 63, note 8) : But Frederick declared (Arnold. iii. c. 17) : In veritate compertum habemus, quod praedecessores nostri, antiqui Imperatores, hoc juris habuerunt, ut defunctis Episcopis investituram pontificalem sine alicujus praejudicio probatis personis liberrime locaverint. Sed quia hoc ipsorum voluntate mutatum invenimus, ratum habemus. Hanc vero minimam scintillam juris nostri, quam invenimus, nequaquam mutari permittimus. Sufficiat vobis justitia vestra, quam invenistis, quod permittitur vobis electio Episcoporum, quam vos canonice fieri dicitis. Sciatis tamen, quia, dum pro voluntate Imperatoris ista dispensarentur, plures justis sunt inventi sacerdotes, quam hoc tempore, dum per electionem inthronizantur. Ipsi enim secundum vitae meritum sacerdotes investiebant, nunc autem per electionem non secundum Deum, sed secundum favorem eliguntur.—From Frederick's powerful speech in the diet at Selnhäusen (in Arnold. iii. c. 18), we learn still further demands of the Pope : Dicit dominus Papa, injustum esse, aliquam laicam personam decimas possidere.—Affirmat etiam injustum esse, quod aliquis in praediis seu hominibus Ecclesiarum advocatiam sibi usurpet, ut—res ecclesiasticae a Praelatis tantum libere dispensentur. Et quamvis haec pro Praelatis esse videantur, non tamen credo, quod ita facile mutari possint, quae ex longa antiquitate usus in consuetudinem vertit etc. Here he requires the bishops to send a remonstrance to the Pope (the letter is in Radulphus a Diceto), see Arnoldus iii. c. 18 : Qui cum legisset epistolam, obstupuit de immutatione Episcoporum, quia ipse causam pro eis videbatur sumpsisse, ipsi vero de causa cecidisse. He received also a private letter from Wichman, Archbishop of Magdeburg, and his suffragans (Ludewig ii. 445, not given in Mansi), which enumerates to him the Emperor's grievances, first the support of the Cremonese, then his conduct in the matter of Treves. Nam si secundum ordinationem vestram idem factum inconvulsum permanere deberet, videretur Imperium demembrationem et maximam sui juris diminutionem incurrisse, praesertim cum nulla antecessorum suorum (Imperatoris) ab aliquo antecessorum vestrorum factum fuisse antiquitatis curiosa reportet memoria, quod Episcoporum quispiam in regno Teutonico consecrationem prius, quam regalia per sceptrum imperiale, receperit.—Among the other grievances : Adjecit insuper (Imp.) quantis exactionum muneribus universae de imperio per vestros Ecclesiae subjaceant, videlicet ut tam Ecclesiae quam coenobia, quibus vel panis quotidianus non sufficit, in

was already impending,⁷ when Urban's death made room for a more peaceful successor, Gregory VIII.⁸ All disputes were more easily forgotten, when now the tidings of the conquest of Jerusalem by Saladin (3. October 1187)⁹ rang like a knell, and awakened afresh in the western world the slumbering enthusiasm for the sanctuaries.¹⁰

The Emperor Frederick (May 1189) was the first to march thitherward, by way of Constantinople (Third Crusade);¹¹ but

erogatione pecuniae, in pastu familiarum, in stabulatione equorum Romanae Ecclesiae super omnem possibilitatem suam deservire compellantur.—Unde et nos—Excellentiam Vestram obnixè rogantes—deprecamur, quatenus—ea, quae ad gravamen Imperii facta dinoscuntur, quoniam a nobis ea sustineri aut sub silentio praeteriri fidei nostrae sinceritati nullatenus conveniret, saniori vero expedit consilio permutari faciatis etc.

⁷ Arnoldus iii. c. 18 : Nec minus tamen in proposito suo perstitit, et veniens Veronam, Imperatorem legitime citatum pro capitulis supra scriptis excommunicare decrevit. Ad quem accedentes Veronenses dixerunt : Pater, servi et amici domini Imperatoris sumus : rogamus Sanctitatem Vestram, ut eum in civitate nostra, nobis praesentibus, non excommunicetis, sed hanc sententiam respectu nostri servitii in praesenti differatis. Qui faciens juxta petitionem eorum, discessit : et cum in proximo eum excommunicare vellet, morte praeventus, sententiam distulit : sicque Imperator maledictionis jaculum evasit.

⁸ Compare Gregory's conciliatory letter to the Emperor Frederick and King Henry (in Ludewig reliqu. ii. 425, 427, and in Mansi xxii. 533, 534.) Besides, he reprimanded Volkmar, who was launching the thunders of the Church from France into the province of Trêves (see Gesta Trevir. l. c. p. 284, and Gregorii ep. ad Folmarum in Ludewig ii. 428, Mansi xxii. 511.) In the last is the order : nos ex consueto sedis apostolicae moderamine providere volentes, ne in asperitate tua multorum a te facias animos alienos, et tandem ipsam etiam censuram ecclesiasticam, si servata non fuerit, contemtibilem reddas, literis tibi praesentibus inhibemus, ne ad excommunicationem vel depositionem personarum Trevirensis provinciae sine conscientia et licentia nostra procedas.

⁹ The history of the war of the Christians with Nureddin and Saladin, down to the conquest of Jerusalem, see in Wilken iii. 2. Schlosser iii. 1, 440. Raumer ii. 319.

¹⁰ Compare the songs of the Troubadour Pons de Capdueil given in the original by Raynouard (choix des poésies originales des Troubadours. Paris, 1816—1821, 6 tomes, gr. 8) iv. 87. In German by F. Diez, Die Poesie der Troubadours (Zwickau, 1826) s. 178 ff.; and his Leben u. Werke der Troubadours (Zwickau, 1829) s. 258.

¹¹ Principal sources : Tageno (Decanus Eccl. Patav., who accompanied the expedition), descriptio expeditionis Asiaticae Friderici I. Imp. in Freherus-Struve i. 405. Friderici I. expeditio Asiatica ab

he was drowned in Calycadnus in Seleucia (June 1190); and his son Frederick, Duke of Swabia, together with the greatest part of his army, was swept away by the pestilence at the siege of Acre. In the next summer, 1190, the kings Richard Cœur de Lion of England and Philip Augustus of France began their crusade (Fourth Crusade.)¹² Acre was indeed conquered (July 1191), but the disunion of the kings hindered any greater results. Philip Augustus soon returned (August 1191), Richard was quickly compelled, by the state of his kingdom, to follow him, after he had concluded a truce for three years with Saladin (September 1192.)

Meanwhile Clement III. had brought Rome to submission to himself (1188),¹³ and settled the dispute with the Emperor about

aequaevo auctore conscripta in Canisius-Basnage iii. 2, 497. Ansberti clerici Austriaci historia de expeditione Frid. Imp. ed. Jos. Dobrowsky, Pragae, 1827. 8. Schlosser iii. 1, 472. Raumer ii. 411. Wilken iv.

¹² Principal sources: *Galfridi de vino Salvo (Vin sauf † after 1245) itinerarium Richardi Angl. R. in terram sanctam (in Bongars i. 1150, more fully in Gale scriptt. hist. Angl. ii. 247.) Rigordi Gothi (Physician to King Philip Augustus) annales de rebus a Phil. Aug. gestis (in du Chesne v. 1. Bouquet xvii. 1.) Schlosser iii. 1, 492. Raumer ii. 451.*

¹³ See the deed put forth by the S. P. Q. R. in Baronius 1188, no. 23. Murator. antiqq. Ital. iii. 785:—*Ad praesens reddimus vobis Senatum et Urbem et monetam.—Reddimus omnia regalia, tam intra quam extra Urbem, quae tenemus, praeter pontem Lucanum.—Tam nos Senatores, quam alii Senatores, qui erunt per tempora singulis annis, jurabimus fidelitatem et pacem vobis et successoribus vestris, sicut consuetum est.—Dabitis singulis annis pro restauratione murorum hujus excellentissimae Urbis C. libras bonorum provenientium de Tusculano.—Infra dimidium annum omnes muros et carbonaria civitatis et Roccae Tusculani et suburbiorum dabitis nobis ad diruendum, quos et quae numquam reficietis, nec refici facietis in vita vestra, retentis et salvis tam vobis quam successoribus vestris et Romanae Ecclesiae omnibus possessionibus, tenimentis et pertinentiis ejusdem Tusculani intus et extra, cum hominibus rebusque eorum. Quodsi hinc usque ad Kal. Januarii dictum Tusculanum ad manus nostras non venerit, tunc excommunicabitis Tusculanos, et per fideles vestros de Campania et de Romania cogetis eos perficere de Tusculano, quod dictum est supra, cum adjutorio nostro.—Tibur non recipietis ad detrimentum et damnum Urbis, sed si Tiburtinos impugnare voluerimus, non facietis nobis contrarium.—The oath of the senators of the city, in Cencii Ordo Romanus (written about this time, preserved in Mabillon mus. Ital. ii. 215.) In this, with much besides, is the following: Papatum Romanum et regalia b. Petri, quae habes, ad retinendum et defendendum, quae vero non habes, ad recuperandum, et recuperata ad retinendum et defendendum, contra omnes homines adjutor ero secundum posse ac scire meum etc.*

the election at Trêves (1189),¹⁴ but on the death of William II., King of Sicily (1. Nov. 1189), new clouds gathered against the Papacy.¹⁵ Clement III. forthwith enfeoffed Tancred, who was chosen by one party to be King. After his death (20. Feb. 1194) the kingdom fell without opposition into the hands of the Emperor Henry VI., who was as mentally gifted and powerful as he was self-interested and cruel. How dangerous he was to the Papal See, was quickly manifested by the detainment of Richard Cœur de Lion in prison,¹⁶ and by the line of policy which he

¹ Gesta Trevir. edd. Wyttenbach et Müller i. 287 : A Legate arrived in Treves with a Papal brief, in qua continebatur, quod Papa — Archiepisc. Folmarum, tertio per Cardinales citatum, et tandem non venientem, ab administratione Treverensis Ecclesiae omnino deposuit, consecrationem tamen pontificalem non ademit ; — omnes quos ille ligaverat absolvit, quos ille deposuerat in pristinum honorem restituit ; — tandem Ecclesiae Treverensi in eodem scripto liberam electionem antistitem eligendi concessit. Thereupon John, the Emperor's chancellor, was appointed.

¹⁵ For what follows comp. Schlosser III. i. 514. Raumer iii. 8.

¹⁶ Jäger's Gesch. Kaiser Heinrichs vi., s. 71, ff. Raumer iii. 40. Richard was taken prisoner at Vienna, by Leopold, Duke of Austria, on his way back from the crusade, 21. Dec. 1192, and handed over to the Emperor Henry. The Pope also was injured by this, comp. § 48, note 10, § 51, note 14. Thence the urgent letters of Eleanor, Richard's mother, to the Pope, see Petri Blaesensis (the King's vice-chancellor), epist. 144, 145 and 146, in Baronius ann. 1193 no. 2 ss. For instance in the first : Videte statum, aut potius casum Regni, malitiam temporis, Tyranni saevitiam, qui de fornace avaritiae arma iniquitatis incessanter fabricat contra Regem, quem in sancta peregrinatione, in protectione Dei caeli, et tuitione Romanae Ecclesiae captum, et vinculis carceralibus coarctatum tenet, occiditque terrendo. — Si Ecclesia Romana complosis manibus ad tantas injurias Christi silet : exurgat Deus, et judicet causam nostram, respiciat in faciem christi sui ! Ubi est zelus Eliae in Achab ? zelus Joannis in Herodem ? zelus Ambrosii in Valentem ? zelus Alexandri III., qui — patrem istius Principis Fridericum plena auctoritate apostolicae sedis solemniter et terribiliter a fidelium communione praeceidit ? Porro Tyrannus apostolicas claves habet ludibrio, nec nisi verba reputat legem Dei. Sed tanto constantius deberetis arripere gladium Spiritus, quod est verbum Dei. — Illud vero publice contristat Ecclesiam populisque murmur excitat, nec mediocriter militat in dispendium vestrae opinionis, quod in tanto discrimine, in tot lacrimis, in tot provinciarum supplicationibus, nec unum Nuncium ad Principes illos a vestro latere destinastis. Saepe pro causis mediocribus vestri Cardinales in magna potestate etiam ad partes barbaras legatione funguntur : in causa vero tam ardua, tam lamentabili, tam communi, nec unum adhuc Subdiaconum aut Acoluthum destinastis.

pursued in Italy.¹⁷ His plans for the alteration of the constitution of the German Empire,¹⁸ and his designs upon the Greek Empire,¹⁹ raised expectations yet more; but suddenly the posture of affairs was changed, when Henry died (28. September 1197) and left behind him a son Frederick, only three years of age; while Innocent III., one of the greatest of the Popes, mounted the Roman throne.

§ 54.

INNOCENT III. (8. JAN. 1198—16. JUL. 1216.)

Sources: *Epistolarum Innoc. III. lib. xix.* (one book for every year).—*Libb. i. ii. v. x.—xvi. in Epistolarum Innoc. III. libb. undecim ed St Baluzius. Paris, 1682, T. ii. fol.—Libb. iii. v.—x. in Diplomata, chartae, epistolae et alia*

Legatos enim hodie facit quaestus, non respectus Christi, non honor Ecclesiae, non Regnorum pax, aut populi salus. Quis quaestus vobis aut proventus? gloriosior posset esse, quam in hac liberatione Regis summi Pontificis apicem, sive sacerdotium Aaron et Phinees exaltare? Sane non multum humiliasset sedis apostolicae dignitatem, si in propria persona ad tanti liberationem Principis in Germaniam descendisset etc. The Pope, however, did not bestir himself, until Richard, on recovering his freedom, complained to him of his ransom. *Matth. Paris ann. 1195 p. 177*: post trinam admonitionem, quam Dux (Austriæ) exaudire recusavit, surgens cum suis Cardinalibus, ipsum Ducem nominatim excommunicavit, et in genere omnes, qui in Regem et suos manus injecerant violentas. He did not then venture to mention the Emperor by name. (According to *Baronius 1195 no. 5*, and *Raumer iii. 55*, comp. *Schröckh xxvi. 247.*) Not till after his death was this excommunication applied to him, *Gualvanci Flammae manip. florum c. 227* (in *Muratori scr. rer. It. xi. 659* and *Rogerus de Hoveden (rer. Anglie. scriptt. post Bedam. Francof. 1601, p. 773.)*)

¹⁷ *Registrum Innocentii III. de negotio Imperii epist. 29*: *Noluit Ecclesiae de regno Siciliae fidelitatem et hominum exhibere.—Publice proponi fecit edictum, ut nullus vel clericus vel laicus ad Ecclesiam Romanam accederet, nec ad eam aliquis appellaret.* *Narratio de canonisat. s. Bernwardi c. 9.* (in *Leibnitii scriptt. rer. Brunsv. i. 474*); in the year 1193, the Hildesheim ambassadors found in Milan per totam Italian Imperatoris edictum pendere, ut quicumque reperti fuissent, qui cujuslibet causae obtentu Romanam adire praesumerent Ecclesiam contumeliis affecti rebusque nudati, aut vinculis arctari deberent, aut ad propria redire compelli.—*Gesta Innoc. III. cap. 8*: *Henricus Imp. occupaverat totum regnum Siciliae totumque patrimonium Ecclesiae usque ad portas Urbis, praeter solam Campaniam, in qua tamen plus timebatur ipse quam Papa.*

¹⁸ *Raumer iii. 61.* *Hurter's Innocent III., i. 66.*

¹⁹ *Jäger's Henry VI. s. 99 ff.* *Raumer iii. 70.*

documenta, ad res Francicas spectantia edd. Feudrix de Brequigny et la Porte du Theil. Parties ii. T. i. et ii., Paris 1791 fol.—Lib. iv. xvii.—xix. seem to have been lost. Beside these : Registrum Innoc. III. super negotio Rom. Imperii in Baluz. l. c. i. 687.

Gesta Innocentii III. (by an unknown contemporary ed. Baluz. l. c. i. 1. Murator. rer. Ital. scriptt. iii., i. 486. Better and more fully by Brequigny et du Theil l. c. i. 1.)—Richardi de S. Germano Notarii chronicon rerum per orbem gestarum ab anno 1189—1243 (in Muratori l. c. vii. 963.)

F. Hurter's Gesch. Papst Innocenz III. u. s. Zeitgenossen, Hamburg, 4 Bde. 1834—42.

The over estimation of the Papal rank,¹ the subordination of the secular to the spiritual power, and the low estimation of the

¹ Gerhobus (Provost in Reichersperg, † 1169) de corrupto Ecclesiae statu ad Eugen. III. Papam c. 67 (in Baluzii miscellan. lib. v. p. 129, in Gallandius xiv. p. 566) congratulates himself that matters were come to such a point, ut stratoris quoque officium Pontifici Romano a Regibus et Imperatoribus exhibendum sit.—Haec nimirum spectacula, nunc Regibus partim ablatis, partim diminuto eorum regno humilitatis, et exaltato sacerdotio, delectant spectatorem benivolum, torquent invidum. Qui ut amplius crucietur, et pius oculus magis jocundetur, forsitan, sicut ante primum Christi adventum Regibus ablatis duces principati sunt usque ad ipsum, sic ante secundum ejus adventum, per lapidem sine manibus abscissum de monte aurea statua regnorum tota contrita (Dan. ii. 34), in quantum regno divino invenitur contraria, succedit in saeculari dignitate minoris nominis potestas, diminutis Regnis magnis in Tetrarchias, aut minores etiam particulas, ne premere valeant Ecclesias vel ecclesiasticas personas patrocinio magni Sacerdotis praesidis sedis apostolicae coronati et super omnia Regna exaltati defensas, et privilegiis apostolici principatus communitas. More intelligibly, Otto Frising. chron. lib. vii. prolog. Non desunt tamen, qui dicant, Deum ad hoc Regnum imminui voluisse, ut Ecclesiam exaltaret. Regni quippe viribus ac beneficentia Regum exaltatam et ditatam nemo ambigit Ecclesiam: constatque non prius eam in tantum Regnum humiliare potuisse, quam ipso ob amorem sacerdotii eviscerato, ac viribus exhausto. Non ejus tantum, i. e. spiritali, sed suo proprio, materiali scilicet, gladio percussum destruetur: quod judicare vel discutere supra nostras vires est. Videntur tamen culpandi sacerdotes per omnia, qui Regnum suo gladio, quem ipsi ex Regum habent gratia, ferire conantur etc. In illustration of the relationship between the secular and spiritual power, the two images were commonly used of the two lights (see Gregor. vii. ep. ad Guilelm. R. § 47, note 2, carried out by Innocent III., see below note 5), and of the two swords (according to Luc. xxii. 38: *Ecce gladii duo hic. At ille dixit eis: satis est. So Bernard. de considerat. iv. c. 3: Uterque ergo Ecclesiae, et spiritalis scilicet gladius et materialis; sed is quidem pro Ecclesia, ille vero et ab Ecclesia exerendus: ille sacerdotis, is militis manu, sed sane ad nutum sacerdotis, et jussum Imperatoris.*)

former compared with the latter,² were so deeply rooted from the time of Gregory VII., although some few men maintained juster views.³ And on the other hand, the notion of the Emperor's universal monarchy,⁴ once more vindicated by the Roman jurists,

² See § 47 note 2. Joannis Sarisberiensis († 1182) Polieraticus l. iv., c. 3: Gladium de manu Ecclesiae accipit Princeps, cum ipsa tamen gladium sanguinis omnino non habeat. Habet tamen et istum, sed eo utitur per Principis manum, cui coërendorum corporum contulit potestatem, spiritualium sibi in Pontificibus auctoritate reservata. Est ergo Princeps sacerdotii quidem minister, et qui sacrorum officiorum illam partem exercet, quae sacerdotii manibus videtur indigna. Sacrarum namque legum omne officium religiosum et pium est, illud tamen inferius, quod in poenis criminum exercetur, et quandam carnificii repraesentare videtur imaginem.—Major est qui benedicit, quam qui benedicitur.—Porro de ratione juris, ejus est nolle, cujus est velle, et ejus est auferre, qui de jure conferre potest. Nonne Samuel in Saulem ex causa inobedientiae depositionis sententiam tulit, et ei in regni apicem humilem filium Isai subrogavit? viii. 18: Patet non in solis Principibus esse tyrannidem, sed omnes esse tyrannos, qui concessa desuper potestate in subditis abutuntur.—Semper tyranno licuit adulari, licuit eum decipere, et honestum fuit occidere, si tamen aliter coërceri non poterat. Non enim de privatis tyrannis agitur, sed de his, qui rempublicam premunt. Nam privati legibus publicis, quae constringunt hominum vitas, facile coërcentur. In sacerdotem tamen, etsi tyrannum induat, propter reverentiam sacramenti gladium materiale exercere non licet, nisi forte, cum exauctoratus fuerit, in Ecclesiam Dei cruentam manum extendat (cf. iii. 15.)

³ Hugo Floriacensis (about 1120) tract. de regia potestate et sacerdotali dignitate (Baluzii miscell. iv. 9), against the mistake qui longe lateque diffunditur,—error inquam illorum, qui—ordinem a Deo dispositum evertunt.—Putant enim, quod terreni regni dispositio non a Deo, sed ab hominibus sit ordinata sive disposita. Et ideo sacerdotalem dignitatem majestati regiae praeferunt, cum ei subesse ordine, non dignitate, debeat. And cap. 1: Scio quosdam nostris temporibus, qui Reges autumant non a Deo, sed *ab his habuisse principium, qui Deum ignorantes, superbia, rapinis, perfidia, homicidiis, et postremo universis paene sceleribus, mundi principe diabolo agitante supra pares homines dominari caeca cupiditate et inenarrabili affectaverunt praesumptione vel temeritate.* (The words of Gregory VII., see above § 47, not. 2.) Quorum sententia quam sit frivola, liquet apostolico documento, qui ait: *Non est potestas nisi a Deo etc.* (Rom. xiii. 1.)

⁴ According to Dig. lib. xiv. tit. 2. l. 9: Ego quidem mundi dominus. See above § 52, not. 11. Simonde de Sismondi hist. des républiques italiennes du moyen age iv. 290. Raumer v. 62. Compare the Glossa ordinaria (compiled by Accursius, doctor of law in Bologna about the year 1220) ad authentic. coll. i. tit. 6. praef. Ergo apparet, quod neque Papa in temporalibus, nec Imperator in spiritualibus se

particularly since the time of Frederick I., remained so entirely a mere theory of the schools, that such a Pope as Innocent III., favoured by circumstances, could broach without concealment, the idea which was already sufficiently wide-spread, of a Theocracy embracing the whole world, in which the Pope was placed to rule as the vicar of God;⁵ and in the disputes of

debeant immiscere. Non habet ergo Papa temporalem jurisdictionem in iis, quae sunt Imperii, quod Constantinus Imperator donavit b. Silvestro Papae? Videtur quod sic, licet immensa fuerit donatio;—praeterea quod vult Princeps, hoc est lex;—item sicut patrimonialia, ita imperialia donare potest, cum nulla sit differentia.—Econtra videtur quod non: quia tunc non esset Augustus dictus, ut in rubrica prooemii Institt. Item imperare non potuit pari, i. e. venienti post se.—Item ne turbetur opus Dei, si clerici intromittant se in temporalibus;—item ne unus duorum officium habeat.—Sed licet solutio facti ad nos non pertineat, solvimus, quod de jure non valuit talis collatio sive donatio:—quia auxit honorem Ecclesiae, quantum in eo fuit, Constantinus vel in aliis, non autem in jurisdictione: quia sic posset totum Imperium perire, ut dictum est. Also the representation by Godfrey of Viterbo, chaplain and notary to Conrad III., Frederick I., and Henry VI. († after 1192), of the later origin of the Papal power (see vol. i., part 2, § 117, note 33), agrees well with this opinion.

⁵ Innocentii III. lib. i. ep. 335: Rom. Pontifex non puri hominis, sed veri Dei vicem gerit in terris. Lib. i. ep. 326: Non hominis puri sed veri Dei vere vicarius appellatur. Lib. ii. ep. 209, ad Patriarch. Const. Dominus Petro non solum universam Ecclesiam, sed totum reliquit saeculum gubernandum.—Lib. xvi. ep. 131, ad Joannem Anglorum R. (from the original in Rymer's *fœdera etc. Regum Angliae*, aucta ab A. Clarke et E. Holbrooke I., i. 119): Rex Regum et Dominus dominantium Jesus Christus—ita regnum et sacerdotium in Ecclesia stabilivit, ut sacerdotale sit regnum, et sacerdotium sit regale, sicut in epistola Petrus, et Moyses in lege testantur, unum praefficiens universis, quem suum in terris vicarium ordinavit; ut sicut ei flectitur omne genu caelestium, terrestrium, et etiam infernorum, ita illi omnes obediant et intendant, ut sit unum ovile et unus pastor. Hunc itaque Reges saeculi propter Deum adeo venerantur, ut non reputent se rite regnare, nisi studeant ei devote servire. On the pre-eminence of the sacerdotal over the royal rank registr. de negotio Imp. ep. 18. *Responsio Papae facta nunciis Philippi in consistorio*: E. G. Principibus datur potestas in terris, sacerdotibus autem potestas tribuitur et in caelis: illis solummodo super corpora, istis etiam super animas. Unde quanto dignior est anima corpore, tanto dignius est etiam sacerdotium, quam sit regnum. Petro legitur vas ostensum quatuor initiis submissum de caelo, in quo continebantur omnia animantia volatilia, quadrupedia et reptilia, munda pariter et immunda; et dictum est ei: *macta et manduca* (Act x. 13), macta vitia, et manduca virtutes; macta errorem, et manduca fidem; quasi evellas et destruas, aedifices

princes, as well as all other difficult state causes, to decide as supreme judge.⁶

et plantes. Quia singuli Proceres singulas habent provincias, et singuli Reges singula Regna; sed Petrus, sicut plenitudine, sic et latitudine, praeininet universis, quia Vicarius est illius, cujus est terra et plenitudo ejus, orbis terrarum et universi, qui habitant in eo. Porro sicut sacerdotium dignitate praececellit, sic et antiquitate praecedit. Utrumque tam regnum quam sacerdotium institutum fuit in populo Dei; sed sacerdotium per ordinationem divinam, regnum autem per extorsionem humanam etc.—Lib. i. ep. 401. ad Acerbum: Sicut universitatis conditor Deus duo magna luminaria in firmamento caeli constituit, luminare majus, ut praeesset diei, et luminare minus, ut nocti praeesset; sic ad firmamentum universalis Ecclesiae, quae caeli nomine nuncupatur, duas magnas instituit dignitates, majorem, quae, quasi diebus, animabus praeesset, et minorem, quae, quasi noctibus, praeesset corporibus: quae sunt pontificalis auctoritas, et regalis potestas. Porro sicut luna lumen suum a sole sortitur, quae re vera minor est illo quantitate simul et qualitate, situ pariter et effectui; sic regalis potestas ab auctoritate pontificali suae sortitur dignitatis splendorem etc. In his epistle to the Emperor of Constantinople (in the Gestis Innoc. III. c. 63. and Decr. Greg. lib. i. tit. 33, c. 6), he sets aside the claim which the Emperor rested on, 1 Peter ii. 13, 14: *Subditi estote omni humanae creaturae propter Deum, sive Regi tamquam praecellenti, sive ducibus tamquam ab eo missis ad vindictam malefactorum, laudem vero bonorum* chiefly with this argument, that the apostle wrote this subditi suis, with no reference to priests. Praeterea nosse debueras, quod fecit Deus duo magna luminaria in firmamento caeli.—i. e. duas instituit dignitates, quae sunt pontificalis auctoritas et regalis potestas. Sed illa, quae praest diebus, i. e. spiritualibus, major est; quae vero carnalibus, minor est, ut, quanta est inter solem et lunam, tanta inter Pontifices et Reges differentia cognoscatur. With this may be compared the commentators of the 13th century, who built on this theory. The Gloss to the last passage is: Cum terra sit septies major luna, sol autem octies major terra: restat ergo, ut pontificatus dignitas quadragies septies sit major regali dignitate. Laurentius, however, thus adjusts this: Papam esse millies septingenties quadragies quater Imperatore et Regibus sublimiorem. Glossa ad decr. Greg. lib. i., tit. 7. c. 1: in hoc differt a Papatu Imperium, quia Imperator habet suam jurisdictionem a populo,—sed Romana Ecclesia voce Domini tantum praelata est. Glossa ad dist. xl. c. 6: pro quo peccato potest Imperator deponi? pro quolibet: unde, deponitur, si est incorrigibilis, si est minus utilis, ut Causa xv. qu. 6. c. 3.

⁶ Thus before now Gerhohus de corrupto Eccl. statu in Baluz. miscell. lib. v. p. 117 (comp. above note 1): Denique in omni militum vel civium guerra et discordia vel pars altera justa, et altera injusta, vel utraque invenitur injusta. Cujus rei veritatem patefacere debet sacerdotalis doctrina, sine cuius censura nulla bella sunt movenda. Sic ergo manifestata justitia pars justa sacerdotalibus tubis animanda, et etiam

In order to secure Sicily for her son, the Empress Constantia,

communione dominici corporis ante bellum et ad bellum roboranda est : —cui pars iniqua resistens, et pacto justae pacis acquiescere nolens, anathematizanda, et etiam negata sibi sepultura christiana humilianda est etc. In like manner Innocent III. expressed himself thus to the French prelates, in justification of his interference to promote peace between the kings of France and England. (Decretal. Gregor. II., i. 13, with the rubrica : *Index ecclesiasticus potest per viam denunciationis evangelicae procedere contra quemlibet peccatorem*) : Cum Dominus dicat in Evangelio : *si peccaverit in te frater tuus, vade et corripe eum inter te et ipsum solum.*—*Quod si non audierit, dic Ecclesiae : si autem Ecclesiam non audierit, sit tibi sicut ethnicus et publicanus* (Matth. xviii. 15—17) : et Rex Angliae sit paratus sufficienter ostendere, quod Rex Francorum peccat in ipsum, et ipse circa eum in correptione processit secundum regulam evangelicam, et tandem, quia nullo modo profecit, dixit Ecclesiae : quomodo nos, qui sumus ad regimen universalis Ecclesiae superna dispositione vocati, mandatum divinum possumus non exaudire, ut non procedamus secundum formam ipsius, nisi forsitan ipse coram nobis vel legato nostro sufficientem in contrarium rationem ostendat? *Non enim intendimus judicare de feudo,—sed decernere de peccato, cujus ad nos pertinet sine dubitatione censura, quam in quemlibet exercere possumus et debemus.* In support of this he appeals to the words of the Emperor Valentinian, hist. tripart. vii. 8, and the Lex Constantini, part 1., § 9, note 12, which however he sets down to Theodosius, and then proceeds : Cum enim non humanae constitutioni, sed divinae legi potius innitatur ; quia potestas nostra non est ex homine, sed ex Deo : nullus, qui sit sanae mentis, ignorat, quin ad officium nostrum spectet, de quocunque mortali peccato corripere quemlibet Christianum, et si correctionem contempserit, ipsum per distractionem ecclesiasticam coercere. Innoc. III. lib. v. ep. 128. (Decr. Greg. IV. xvii. 13) : non solum in Ecclesiae patrimonio,—verum etiam in aliis regionibus, certis causis inspectis, temporalem jurisdictionem casualiter exercemus :—quia sicut in Deuteronomio (xvii. 8—12) continetur : *si difficile et ambiguum apud te iudicium esse perspexeris,—surge et ascende ad locum, quem elegerit Dominus Deus tuus, veniensque ad sacerdotes levitici generis, et ad iudicem qui fuerit illo tempore—qui indicabunt tibi iudicii veritatem : et facies, quaecumque dixerint :—qui autem superbierit, nolens obedire sacerdotis imperio,—moriatur.* Sane cum Deuteronomium secunda lex interpretetur, ex vi vocabuli comprobatur, ut, quod ibi decernitur, in novo testamento debeat observari. Locum enim, quem elegit Dominus, apostolica sedes esse cognoscitur.—Sunt autem sacerdotes levitici generis fratres nostri :—is vero super eos sacerdos sive iudex existit, cui Dominus inquit in Petro : *quodcumque ligaveris super terram etc.*, ejus vicarius, qui est sacerdos in aeternum secundum ordinem Melchisedech.—Tria quippe distinguit iudicia :—in quibus cum aliquid fuerit difficile vel ambiguum, ad iudicium, est sedis apostolicae recurrendum, cujus sententiam qui superbiens contempserit observare, mori praecipitur, i. e. per excommunicationis sententiam, velut mortuus, a communione fidelium separari.

pressed hard by parties, was obliged to accept the Papal investment under new conditions prescribed by the Pontiff.⁷ After Constantia's death (27. Nov. 1198) Innocent ruled over all Sicily in the character of guardian.⁸ Still further the disputed imperial election, by which Germany was divided between Philip, Duke of Swabia, and Otto, Duke of Saxony, encouraged the Pope to a larger extension of his power. Immediately after his accession, Innocent had already taken the oath of fealty to the Imperial *Praefectus urbis*:⁹ now he dislodged the vassals of the Empire from the territory of Matilda,¹⁰ and established in Tuscany a civic-league. After he had thus consolidated his power in Italy he commenced an energetic interference in German politics:¹¹ for he forthwith claimed the right to decide on a disputed Imperial election.¹² As he must naturally have been more inclined to the Guelph than the Hohenstaufen candidate,¹³ so maintaining his

⁷ Constantia was forced to give up the *privilegium concessionis*, *indultum primo ab Adriano, et renovatum postmodum a Clemente*, *super iv. capitulis, videlicet electionibus, legationibus, appellationibus et Conciliis* (Gesta Innoc. III. c. 21,) and besides to promise an annual census, *DC. squifatorum de Apulia et Calabria, CCCC. vero de Marsia, vel aequivalens in auro vel argento* (Innoc. lib. i. ep. 410, ad *Constanciam*.)

⁸ Planck iv. 1, 452. Schlosser III. ii. 1, 1. Raumer iii. 85. Hurter i. 133, 233, 324.

⁹ Gesta c. 8. For the oath see Innoc. lib. i. ep. 577. Hurter i. 115.

¹⁰ Hurter i. 119, 226. Thus, as he took possession of the March of Ancona, the Dukedom of Spoleto, the Earldom of Agrisi, the Marquises of Tuscany, Radicofana, Aquapendente, Montefiascone, and the rest, he became the founder of the present states of the Church. Up to his time the Popes had only held the grant of Pepin, and the small patrimony of S. Peter in the environs of Rome.

¹¹ Schlosser iii. 1, 533. Raumer iii. 102. Hurter i. 136, 250, 334, 383, 435, 495, 584, 681, ii. 2, 46, 89.

¹² As to the letters which reached him from both parties (*regist. super negot. imp. ep. 3 ss.*) he declared (*ib. ep. 18. Responsio dom. Papae facta nunciis Philippi in Consistorio*): *Verum ad apostolicam sedem jam pridem fuerat recurrendum, ad quam negotium istud principaliter et finaliter dinoscitur pertinere: principaliter, quia ipsa transtulit imperium ab oriente in occidentem; finaliter, quia ipsa concedit coronam imperii.*

¹³ Compare the remarkable *deliberatio dom. Papae Innoc. super facto Imperii de tribus electis* (*Registr. Imp. ep. 29*), probably this was the instruction for the Legates appointed to Germany. Against Philip

pretensions he actually decided (1201) in favour of Otto IV.¹⁴ However he was resisted with great energy by Philip's party,¹⁵

it is especially alleged, that he was a persecutor, and born of a race of persecutors. Therefore personam Philippi propter impedimenta patentia penitus reprobamus, et obsistendum ei dicimus, ne imperium valeat usurpare. De caetero vero agendum per Legatum nostrum apud Principes, ut vel convenient in personam idoneam, vel se iudicio aut arbitrio nostro committant.

¹⁴ Registr. Imp. ep. 33.—personam Philippi, tanquam indignam quoad Imperium, praesertim hoc tempore, obtinendum, penitus reprobamus, et iuramenta, quae ratione regni sunt ei praestita, decernimus, non servanda.—Cum autem carissimus in Christo filius noster Otto vir sit industrius, providus et discretus, fortis et constans, et per se devotus existat Ecclesiae, ac descendat ex utraque parte de genere devotorum, —nos auctoritate b. Petri et nostra eum in Regem recepimus, et regalem ei praecepimus honorificentiam exhiberi, ipsumque ad coronam Imperii, sicut decet, vocare curabimus etc. Thereupon Otto took the oath in Neuss on the 8th of June 1201. (Registr. Imp. ep. 77):—juro, quod omnes possessiones, honores et jura Romanae Ecclesiae pro posse meo bona fide protegam et servabo. Possessiones autem, quas Ecclesia Rom. recuperavit, liberas et quietas sibi dimittam, et ipsam ad eas retinendas bona fide juvabo: quas autem nondum recuperavit, adjutor ero ad recuperandum.—Ad has pertinet tota terra, quae est a Radicofano usque Ceperanum, exarchatus Ravennae, Pentapolis, Marchia, ducatus Spoletanus, terra comitissae Mathildis, comitatus Brittenorii (of Count Bertinoro see Hurter i. 122 s.) cum aliis adjacentibus terris expressis in multis privilegiis Imperatorum a tempore Lodoici.—Adjutor etiam ero ad retinendum et defendendum Ecclesiae Romanae regnum Siciliae. Tibi etiam Domino meo Innocentio P. et successoribus tuis omnem obedientiam et honorificentiam exhibebo, quam devoti et catholici Imperatores consueverunt sedi apostolicae exhibere.—Similiter etiam consilio tuo et mandato parebo de pace vel concordia facienda inter me et Philippum Regem Francorum.

¹⁵ Literae Principum faventium parti Philippi (in Registr. Imp. ep. 61): They arraign the Papal Legate as though he had taken this step arbitrarily. Quis enim huic similem audivit audaciam?—Ubinam legistis, o summi Potifices, ubinam audistis, sancti Patres, totius Ecclesiae Cardinales, antecessores vestros vel eorum missos Romanorum Regum se electionibus immiscuisse, sic ut vel electorum personam gererent, vel ut cognitores electionis vires trutinarent? Respondendi instantiam vos credimus non habere. In Romanorum enim electione Pontificum hoc erat imperiali diademati reservatum, ut eam Romanorum Imperatorum auctoritate non accommodata ullatenus fieri non liceret. Imperialis vero munificentia, quae cultum Dei semper ampliare studuit, et ejus Ecclesiam privilegiorum specialitate decorare curavit, hunc honoris titulum Dei Ecclesiae reverenter remisit, quod constitutio primi Henrici evidenter explanat (compare above, part 1, § 22, note 31) ejus series haec est: *ut nullus missorum nostrorum cujuscunque impeditionis argumentum in electione Romani Pontificis componere audeat, omnino*

and the flame of discord only burnt so much the brighter in Germany. As Philip continued to gain more decisive advantages over his enemy, Innocent began negotiations with him, which seemed fraught with danger to Otto.¹⁶ Meanwhile Philip was

prohibemus. Si laicalis simplicitas bonum, quod de jure habuit, reverenter contempsit, sanctitas pontificalis ad bonum, quod nunquam habuit, quomodo manum ponit? At the end is the intelligence that Philip had been elected by them, and the demand: Unde petimus, ut veniente tempore et loco, sicut vestri officii est, unctionis ipsi beneficium non negetis. Innocent's answer ad ducem Zaringiae (ibid. ep. 62): Illis Principibus jus et potestatem eligendi Regem, in Imperatorem postmodum promovendum, recognoscimus, ut debemus,—praesertim cum ad eos jus et potestas hujusmodi ab apostolica sede pervenerit, quae Romanum Imperium in persona magnifici Karoli a Graecis transtulit in Germanos. Sed et Principes recognoscere debent, et utique recognoscunt, quod jus et auctoritas examinandi personam electam in Regem et promovendam in Imperium ad nos spectat, qui eam inungimus, consecramus et coronamus. Est enim regulariter et generaliter observatum, ut ad eum examinatio personae pertineat, ad quem impositio manus spectat. Nunquid enim, si principes—sacrilegum quemunque vel excommunicatum in Regem, tyrannum vel fatuum, haeticum eligerent aut paganum, nos inungere, consecrare ac coronare hominem hujusmodi deberemus? Absit omnino. Objectioni ergo Principum respondentes asserimus, quod Legatus noster Episcopus Praenestinus nec electoris gessit personam,—nec cognitoris personam exhibuit,—et sic jus Principum nullatenus usurpavit, aut venit contra illud. Exercuit autem denunciatoris officium; quia personam Ducis ejusdem denunciavit indignam, et personam Regis ipsius denunciavit idoneam, quoad imperium obtinendum etc.

¹⁶ Philip had conducted these negotiations by means of Martinus Prior Camaldulensis, through whom he caused the following promises to be made to the Pope (Raynaldus 1203, no. 28): Omnia bona tam Romanae Ecclesiae, quam aliarum Ecclesiarum, quae antecessores mei Reges et Imperatores injuste abstulerunt vel detinuerunt, vel ego abstuli, vel injuste detineo, restituam;—omnes abusus, quos antecessores mei in Ecclesiis habuerunt, utputa mortuis Praelatis bona ipsorum vel Ecclesiarum eorum accipiebant, perpetuo relinquam; electiones Episcoporum, et aliorum Praelatorum canonice fieri permittimus, omnia spiritualia summo Pontifici relinquentes: monasteria irregulariter viventia—cum adjutorio domini Apostolici regularibus conventibus—subjiciemus.—Advocatos sive patronos Ecclesiarum ab exactionibus, angariis, parangariis, in quantum potero, cessare compellam. Si omnipotens Dominus Regnum Gracorum mihi vel leviro meo (the Prince Alexis) subdiderit, Ecclesiam Constantinopolitanam Romanae Ecclesiae—faciam fore subjectam.—Generalem legem statuam, et observari faciam semper et ubique per totum Imperium, at quicunque excommunicatus fuerit a domino Apostolico, in banno statim sit imperiali: insuper pro pace et amicitia inter me et dominum Apostolicum semper

murdered by Otto of Wittelsbach in Bamberg (21. June 1208.) Otto IV. was then universally recognized as Emperor, and after he had satisfied the Pope's demands in all points he was crowned by him (27. Sept. 1209.)¹⁷

But so soon as Otto had reached this goal of his wishes, he began again to vindicate the Imperial rights in Italy, and overthrow the Pope's new creations,¹⁸ without suffering himself to be

servanda—filiam meam nepoti ejus in conjugium dabo, et alios vel alias de cognatione mea secundum voluntatem suam generi suo copulari faciam. There is another letter from Philip, Registr. Imp. ep. 136, comp. chron. Urspergensis ed. Argentorat. 1609, p. 236. So Papal delegates appeared in Germany in the year 1207, who absolved Philip from his excommunication (Registr. Imp. ep. 142), and then began to mediate between the two kings, but openly in favour of Philip, cf. Otto de S. Blasio c. 48: *Ottoni a Philippo per Cardinales offertur, ut accepta in uxorem filia ejus cum ducatu Allemanniae aliorumque praediorum suorum redditibus, regio nomine deposito, ipsi de caetero ut Regi pareret, Philippo exhinc sine controversia regnante.* Ad haec Otto, quamvis jam desperans, indigne ferens aliqua sibi pro regno offerri, se regnum non nisi cum morte depositurum protestatus, Philippo, ut sibi cederet, multo majora obtulit.

¹⁷ Raumer iii. 139. Schlosser III. ii. 1, 351. Hurter ii. 105, 158. Otto had been obliged already to take a new oath to the Pope in Speyer on 22d March 1209 (Registr. Imp. ep. 189), in which fresh engagements were added to the old: *Illum igitur abolere volentes abusum, quem interdum quidam praedecessorum nostrorum exercuisse dicuntur in electionibus Praelatorum, concedimus et sancimus, ut electiones Praelatorum libere ac canonice fiant, quatenus ille praeficiatur Ecclesiae viduatae, quem totum capitulum vel major et sanior pars ipsius duxerit eligendum, dummodo nihil ei obstet de canonicis institutis.* Appellationes autem in negotiis et causis ecclesiasticis ad apostolicam sedem libere fiant, earumque prosecutionem sive processum nullus impedire praesumat. *Illum quoque dimittimus et refutamus abusum, quem in occupandis bonis decedentium Praelatorum aut etiam Ecclesiarum vacantium nostri consueverunt antecessores committere pro motu propriae voluntatis.* Omnia vero spiritualia vobis et aliis Ecclesiarum Praelatis relinquimus libere disponenda, ut quae sunt Caesaris Caesaris, et quae sunt Dei Deo recta distributione reddantur. Super cradicando autem haereticae pravitatis errore auxilium dabimus et operam efficacem. The deed is to be found in Schlosser in another place. S. 355 note g. is the oath of the year 1201 (note 14.)

¹⁸ Hurter ii. 324, 365. Matth. Paris ad ann. 1210: *Circa dies istos Otho Romanorum Imperator, memor sacramenti, quod fecerat, cum a Papa ad Imperium fuerat sublimatus, quod videlicet dignitates Imperii conservaret, et jura dispersa pro possibilitate sua revocaret: fecit per sacramentum legalium hominum Imperii dominica castella sua, et alia jura ad dignitatem imperialem spectantia perquiri, et quaecunque*

turned from his path, by the sentence of excommunication and dethronement, which the deluded Innocent pronounced against him (Nov. 1210.)¹⁹ Now he himself encouraged the canvass of

per recognitionem ad jus Imperii spectare didicerat, in usus suos convertere laborabat. Otto thus answered the Pope's remonstrance: *Si summus Pontifex Imperii jura injuste possidere desiderat, a sacramento, quod tempore consecrationis meae ad dignitatem imperialem me jurare compulit, absolvat: quod videlicet dispersa Imperii jura revocarem.* (Compare especially the two letters contributed by Gebauer from a certain cod. Reh diger. (Leben Herrn Richards, erw hltten Röm. Kaisers. Leipzig 1744, p. 611 ss.) The first from Innocent to Otto thus complains *Turbamur non modicum et dolemus, te subito conversum in arcum perversum, quem fore sedis apostolicae magnificum protectorem, quondam firmissime credebamus, and threatens him with the fate of Nebuchadnezzar, Pharaoh, and the Hohenstaufen family, as well as with excommunication.* Otto answered this (see also in Hahn *collectio monumentorum veterum.* Brunsv. 1724, i. 209): *Nam spiritualia, quae ad vestrum pertinere officium dinoscuntur, vobis non auferimus, nec habemus propositum auferendi, immo volumus, quod ubicumque maneant illibata, et semper imperiali auctoritate suscipiant incrementum.* In temporalibus vero plenam, ut scitis, habemus potestatem, de quibus vobis non convenit judicare, quoniam his, a quibus Ecclesiae sacramenta tractantur, judicium sanguinis agitare non licet. Habeatis igitur in spiritualibus libere plenitudinem potestatis, firmiter attendentes, quod temporalia, tamquam Imperator, per totum Imperium intendimus judicare. Compare also the letter of complaint from the Pope to Philip Augustus (ed. de la Porte du Theil in the Notices et extraits des Mss. de la biblioth. du Roi ii. 282) dat. Kal. Februar. anno Pontificatus nostri xiii. (Consequently in 1. Feb. 1210, not 1211, as is there stated): *Utinam, fili carissime, mores Othonis, qui dicitur Imperator, et a nobis noti fuissent, sicut a vobis noti fuerant! quod non essemus ab eo tam impie circumventi etc.* For the grievances of the Pope see note 19.

¹⁹ On this head Innocentii ep. ad universos Principes Alemanniae (in the Notices l. c. p. 284): *post diligentes ammonitiones et dilationes frequentes, excommunicavimus et anathematizavimus ipsum, ex parte omnipotentis Patris, et Filii, et Spiritus sancti, auctoritate quorum [leg. quoque beatorum] Petri ac Pauli Apostolorum et Nostra, pro eo, quod beneficiorum nostrorum ingratus, et promissionum suarum oblitus, maligne persequitur praefatum Regem Siciliae, orphanum et pupillum, apostolicae protectioni relictum, nequiter invadendo regnum ipsius, et Romanae Ecclesiae patrimonium, contra sacramenta et scripta sua, et contra jura et monimenta nostra, cum semper parati fuerimus, et saepe obtulerimus ei, justitiae plenitudinem exhibere coram arbitris communiter eligendis. Unde, cum juxta ss. Patrum canonicas sanctiones ei, qui Dei [leg. Deo] et Ecclesiae fidem non servat, fides servanda non sit, a communione fidelium separato; nos ab ipsis fidelitate absolvimus universos, vel potius decrevimus absolutos etc.* And now follow the

the only surviving Hohenstaufen. Frederick appeared in Germany in 1212, and, upheld as he was by the Pope and the King of France, he quickly won most of all ranks to his side. On the 25. July 1215, he received the German King's-crown at Aix,²⁰ and Otto down to his death († 1218) had to content himself with his ancestral territories in Brunswick.

With like energy Innocent compelled all other princes also, so far as his arm reacht, to recognize the Papal supremacy.²¹ Philip Augustus, King of France, was obliged (1201) to take again his divorced wife, Ingeburgis;²² Alphonso IX., King of Leon, to divorce his wife because of being too near akin; Peter, King of Aragon, when he got himself crowned at Rome, made his kingdom tributary to the Pope (1204);²³ John, Duke of

spiteful insinuations: *Caeterum quales et quantos vos habeat, ex eo potestis perpendere manifeste, quod vestro irrequisito consilio tam gravem et arduam videlicet persecutionem adversus Romanam Ecclesiam et Regnum Siciliae, suae tantum voluntatis arbitrio, incepit. In qua profecto si possit proficere, et suum propositum adimplere, ad eam vos conditionem rediget, ad quam avus et avunculus ejus Barones Angliae redegerunt. In qua cum nutritus fuerit a patruo, consuetudines ejus pro viribus ejus in Imperium subducere attentabit.*

²⁰ Raumer iii. 171. Schlosser III. ii. 1, 359. Hurter ii. 374, 406, 471. Frederick made the same promises to the Pope in Eger 28. Jun. 1213, which Otto had before been obliged to make (note 14 and 17): see the document quoted from the original in Pertz iv. 224. There is another deed made at Strasburg 1. July 1216 (in Pertz iv. 228): *Promittimus.—ut postquam fuerimus Imperii coronam adepti, protinus filium Henricum—emancipemus a patria potestate, ipsumque Regnum Siciliae—penitus relinquamus ab Ecclesia Romana tenendum, sicut nos illud ab ipsa sola tenemus; ita quod ex tunc nec habebimus nec nominabimus nos Regem Siciliae;—ne forte pro eo, quod nos dignatione divina sumus ad imperii fastigium evocati, aliquid unionis Regnum ad Imperium quovis tempore putaretur habere etc.*

²¹ Raumer iii. 250.

²² Sources: Innocent lib. iii. ep. 11—18. Rigordus de gestis Phil. Aug. in Duchesne v. 36. Rogerus de Hoveden ad ann. 1201. Works: D. Blondellus de formulae Regnante Christo in vet. monum. usu p. 320. Philipp August K. v. Frankr. u. Ingeborg Prinzessin v. Dänemark, by J. Schulz, Kiel 1804. 8. Histoire de Philippe-Auguste par M. Capéfigue ii. 144, 191. Hurter i. 166, 346, 402, ii. 477.

²³ In order to make his crown independent of his powerful vassals and of the claims of the King of Castile for supremacy. E. A. Schmidt's Gesch. Aragoniens im Mittelalter s. 132. Hurter i. 598. Aschbach's Gesch. Spaniens u. Portugals zur Zeit der Almoraviden u. Almohaden ii. 136. 329.

Bulgaria, obtained from him the kingly crown. But John, King of England, who by cowardice and capriciousness had long ago made himself contemptible and odious to his subjects, was forced to humble himself to the lowest pitch of degradation before him.²⁴

A disputed election furnished Innocent with an opportunity of thrusting forward the Cardinal Stephen Langton into the Archbishopric of Canterbury against the King's will (1207.) When John resisted with anger, the Pope laid England under an interdict (1208); and afterwards excommunicated the King (1209); whilst he sought by reckless cruelty to avenge himself on the clergy, and by severe oppression to make sure of his vassals. At last Innocent deposed him from his kingdom, and handed it over to the King of France (1212.)²⁵ But while he was arming himself for the conquest, John, unable to trust his vassals, yielded in all points, and even received his kingdom in fee from the Pope (1213) under circumstances of the greatest humiliation.²⁶ Now

²⁴ In the following history the principal source is Matthaei Paris historia major ad ann. 1205 ss. ed. Lond. 1640 p. 212 ss. The Documents in Rymeri Foedera et acta publica Regum Angliae, aucta et emendata ab A. Clarke et F. Holbrooke I. i. Comp. Planck IV. i. 486. Schlosser III. ii. 241. Hurter ii. 54, 123, 191.

²⁵ Matthew Paris p. 232: Papa—sententialiter definivit, ut Rex Anglorum Johannes a solio Regni deponeretur, et alius Papa procurante succederet, qui dignior haberetur. Ad hujus quoque sententiae executionem scripsit dominus Papa potentissimo Regi Francorum Philippo, quatenus [in] remissionem omnium suorum peccaminum hunc laborem assumerit, et Rege Anglorum a solio Regni expulso ipse et successores sui Regnum Angliae jure perpetuo possiderent. Scripsit insuper omnibus magnatibus, militibus, aliisque bellatoribus per diversas nationes constitutis, ut ad Regis Anglorum dejectionem sese cruce signarent, Regemque Francorum in hac expeditione ducem sequentes, vindicare injuriam universalis Ecclesiae laborarent. Statuit praeterea, ut quicumque ad expugnandum Regem illum contumacem opus impenderint vel auxilium, sicut illi qui sepulchrum Domini visitant, tam in rebus quam in personis et animarum suffragiis in pace Ecclesiae securi permaneant. Hurter ii. 429, 479.

²⁶ The deed of King John, together with the oath of fealty, 15. May 1213, are in Rymer ed. Clarke et Holbrooke i. 1, 111, both were reissued on the third of October in this year, *ibid.* p. 115. Johannes Dei gratia Rex Angliae etc.—Omnibus Christi fidelibus—salutem. Universitati vestrae per hanc chartam nostram sigillo nostro munitam volumus esse notum, quia, cum Deum et matrem nostram s. Ecclesiam offenderimus in multis, et proinde divina misericordia plurimum indi-

was England yielded up to the discretion of an arbitrary Pope and a contemptible King: this united the Prelates²⁷ and the Barons to wrest Magna Charta from the King (15. June

gere noseamur, nec quid digne offerre possimus, pro satisfactione Deo et Ecclesiae debita facienda, nisi nos ipsos et Regna nostra humiliemus: volentes nos ipsos humiliare pro illo, qui se pro nobis humiliavit usque ad mortem, gratia s. Spiritus inspirante, non vi inducti nec timore coacti, sed nostra bona spontaneaue voluntate, ac communi consilio Baronum nostrorum, offerimus et libere concedimus Deo, et ss. Apostolis ejus Petro et Paulo, et s. Romanae Ecclesiae matri nostrae, ac domino nostro Papae Innocentio ejusque catholicis successoribus totum Regnum Angliae et totum Regnum Hiberniae cum omni jure et pertinentiis suis, pro remissione peccatorum nostrorum et totius generis nostri, tam pro vivis quam defunctis: et amodo illa a Deo et Ecclesia Romana tanquam feudatarius recipientes et tenentes, in praesentia prudentis viri Pandulphi, domini Papae Subdiaconi et familiaris, fidelitatem exinde praedicto domino nostro Papae Innocentio, ejusque catholicis successoribus, et Ecclesiae Romanae secundum subscriptam formam facimus et juramus, et homagium ligium in praesentia dom. Papae, si coram eo esse poterimus, eidem faciemus; successores et haeredes nostros de uxore nostra in perpetuum obligantes, ut simili modo summo Pontifici, qui pro tempore fuerit, et Ecclesiae Romanae, sine contradictione debeant fidelitatem praestare et homagium recognoscere. Ad indicium autem hujus perpetuae nostrae obligationis et concessionis volumus et stabilimus, ut de propriis et specialibus redditibus praedictorum Regnorum nostrorum, pro omni servitio et consuetudine, quod pro ipsis facere deberemus, salvo per omnia denario b. Petri, Ecclesia Romana mille marcas sterlingorum percipiat annuatim etc.

²⁷ The Pope charged his Legate in England dd. 1. Nov. 1213, Nicholas, Bishop of Tusculum (Innoc. lib. xvi. ep. 138, and in Matthaeus Paris p. 247), quatenus Episcopatus et Abbatias Angliae nunc vacantes facias cum tuo consilio de personis idoneis per electionem vel postulationem canonicam ordinari. It was to be proposed to the chapters, ut tuo consilio adquiescant.—Si qui vero contradictores fuerint vel rebelles, tu eos per censuram ecclesiasticam, appellatione remota, compescas. Thereupon Matthew Paris relates l. c. Legatus—factus de rege tyrannus, spreto Archiepiscopi et Episcoporum Regni consilio cum clericis Regis et ministris ad vacantes accedens Ecclesias. ordinationes earum, secundum antiquum Angliae abusum, de personis minus idoneis celebrare praesumsit.—Parochiales insuper Ecclesias in locis diversis vacantes clericis suis distribuit, patronorum consensu minime requisito. The English prelates appealed to the Pope, but they effected nothing. Meantime the King was forced to promise on the 15. Jan. 1215 in another document in Rymer-Clarke I. i. 126, ut de caetero in universis et singulis Ecclesiis et Monasteriis—totius Regni nostri Angliae liberae sint in perpetuum electiones quorumcunque Praelatorum majorum et minorum, salva nobis et haeredibus nostris custodia Ecclesiarum et

1215.)²⁸ In vain strove the Pope with spiritual²⁹ and the King with temporal weapons to effect its repeal: John's death, however († 28. October 1216), quickly put an end to internal discord.³⁰

Monasteriorum vacantium, quae ad nos pertinent. The churches were to appoint without hindrance, petita tamen prius a nobis et haeredibus nostris licentia eligendi, quam non denegabimus nec differemus. The Papal confirmation of this deed is dated 30. Mart. 1215. Ibid. p. 127.

²⁸ Stephen Langton gave the first impulse to this by publishing a document of Henry I. (Aug. 1213), see *Matt. Paris.* p. 240. A fac simile of *Magna Charta* is to be found in *Rymer-Clarke* I. i. 131. *Hurter* II., 498, 601.

²⁹ So early as the 15. Aug. 1215, Innocent published a Bull (*Rymer-Clarke*, p. 135): nos, tantae malignitatis audaciam dissimulare nolentes, in apostolicae sedis contemptum, regalis juris dispendium, Anglicanae gentis opprobrium, et grave periculum totius negotii Crucifixi (quod utique immineret, nisi per auctoritatem nostram revocarentur omnia, quae a tanto Principe cruce signato taliter sunt extorta, etiam ipso volente illa servari): ex parte Dei omnipotentis, Patris, et Filii, et Spiritus sancti, auctoritate quoque beatorum Petri et Pauli Apostolorum ejus, ac nostra, de communi fratrum nostrorum consilio, compositionem hujusmodi reprobamus penitus et damnamus; sub interminatione anathematis prohibentes, ne dictus Rex eam observare praesumat, aut Barones cum complicitibus suis ipsam exigant observari: tam chartam quam obligationes seu cautiones, quaecunque pro ipsa vel de ipsa sunt factae, irritantes penitus aut cassantes, ut nullo unquam tempore aliquam habeant firmitatem. Innocent's epistle to the Barons of England bearing the same date (l. c. p. 136) is written in the same spirit. When this remained unnoticed, forthwith the sentence of excommunication and interdict against the Barons followed (*Matth. Paris.* p. 270), with instructions to the Bishops, quatenus nostram sententiam singulis diebus dominicis et festivis, pulsatis campanis, et candelis accensis, solemni per totam Angliam publicare procurent, donec satisfecerint (Barones) domino Regi de damnis et injuriis irrogatis, et ad ejus obsequium fideliter revertantur. Stephen Langton once so obedient, postulavit inducias—ad sententiam publicandam, constanter affirmans, quod tacita veritate sententia fuerat in Barones lata.

³⁰ Yet one word about the Papal system of extortion. The chapter of York chose Simon Langton, Stephen's brother, to be archbishop, the Pope refused to sanction the choice (*Mat. Paris.* p. 271), Deputies from the chapter had to make another election during the Lateran council at Rome in the year 1215, and the newly elected prelate (l. c. p. 274), accepto Pallio—rediit in Angliam, obligatus in Curia Romana de decem millibus librarum legalium esterlingorum. In fine autem, soluto Concilio, extorsit Papa de unoquoque Praelato infinitam pecuniam, quam cum viaticis cogebantur ab usurariis suis mutuo duris condi-

Still greater prospects seemed to open themselves before the Pope in Constantinople.³¹ Although the enthusiasm for Crusades was already much diminished, nevertheless Innocent had succeeded, by unwearied efforts, in collecting a new army at Venice (1202.) The crafty Doge, Henry Dandolo, notwithstanding all Papal admonitions, had first made use of the army for the reconquest of Jadera (Zara), then it was induced by the magnificent promises of a Greek Prince, Alexius,³² to undertake an expedition against Constantinople: and when the reinstated Emperor Isaac Angelus was unable to fulfil these promises, Constantinople was conquered (12. April 1204), and a Latin empire established there, by the exaltation of Baldwin, Count of Flanders, to the throne.³³ Thus

tionibus sumere. To this also must be added the avarice of Legates (L. c. p. 286): Walo legatus exegit (ann. 1216) procuraciones per totam Angliam ab Ecclesiis cathedralibus, et domibus religiosis, pro singulis scilicet procuracionibus L solidos. Omnia etiam beneficia Clericorum pariter ac virorum religiosorum, qui Ludovico (the usurping king) et Baronibus auxilium, consilium, vel favorem impenderant, sequestravit, quae omnia in suos et Clericorum suorum usus convertit. Thus the Barons had good right to call aloud l. c. p. 278: tu Johannes, lugubris memoriae pro futuris saeculis, ut terra tua, ab antiquo libera, ancillaret, excogitasti,—factus de Rege liberrimo tributarius, firmarius (*fermier*), et vasallus servitutis!—Et quid de te, Papa, qui pater sanctitatis, speculum pietatis, tutor justitiae, et custos veritatis toti mundo deberes lucere in exemplum? Tali consentis, talem laudas et tueris? Sed hac causa exhaustorem pecuniae Anglicanae et exactorem Nobilitatis Britannicae tibi inclinantem defendis, ut in barathrum Romanae avaritiae omnia demergantur: sed haec causa et excusatio est ante Deum culpa et accusatio.

³¹ To the following history some writers of the age contribute. Geofroi de Ville-Hardouin de la conquête de Constantinople ann. 1198—1207 (in l'histoire de l'empire de Constantinople sous les Empereurs françois par C. du Fresne, à Venise 1729. fol.) and Nicetae Choniatae hist. (ann. 1117—1206. ex rec. Imm. Bekkeri, Bonnæ 1835). Compare Raumer iii. 195. Schlosser III. ii. i. 29 ff. Wilken v. 60. Hurter i. 416, 469, 519, 619, 691.

³² Concerning these Nicet. Chon. lib. iii. p. 348 ed. Paris. τὸ δὲ δὴ μείζων καὶ ἀποπώτατον, παρεκτροπὴν πίστεως, ὅποια τοῖς Λατίνοις ἀσπάζεται, καὶ τῶν τοῦ Πάπα προνομίων καινισμὸν, μετέθεσιν τε καὶ μεταποίησιν τῶν παλαιῶν Ῥωμαίοις ἐθῶν συγκατέθετο. According to Vincent. Bellovac. lib. xxix. c. 64, Alexius was bound to pay 100,000 marks to the Venetians, and 100,000 to the Franks.

³³ Compare the story in Balduini epist. ad Ottonem Imp. written before the conquest of the city (in Arnoldi chron. Slav. lib. vi. c. 19, also given as Henrici Com. de S. Paulo ep. ad Ducem Brabantiae in

the Church of Constantinople seemed now to be brought into subjection to the Roman See.³⁴ However even now no one doubted the precariousness of this acquisition. For the new Empire already contained the germ of dissolution; on the other hand it completely foiled that powerful enterprise in behalf of Palestine.³⁵

In the latter years of his life Innocent devoted especial attention to the Holy Land:³⁶ King Frederick took the cross even at his coronation: and at the Lateran-Council of the year 1215 (iv. Lateran. xii. Oecum.) one of the most brilliant which had ever been held, the accomplishment of another Crusade was one of

Godefredi Mon. annales in Freher i.), and in Balduini ep. ad omnes fideles, issued after his accession to the throne (in Arnold l. c. c. 20, as Balduini ep. ad Adolphum Episc. Coloniensem in Godefred. Mon.) The last was sent to the Pope with the necessary alterations in form, ep. Balduini ad Innoc. (Innoc. lib. vii. ep. 152. and in Raynaldus 1204 no. 6).

³⁴ Innocentii ep. ad Clericos in cruce signatorum exercitu dd. Id. Nov. 1204 (lib. vii. ep. 154): Tempus advenisse videtur, in quo destructis vitulis aureis Israel revertatur ad Judam, et ad Hierusalem Samaria convertatur, quatenus atrio, quod secundum Apocalypsim Johannis est extra templum, foras ejecto (Apoc. xi. 2), non jam in Dan et Bethel, sed in montem Sion ad Dominum ascendatur etc.

³⁵ Gesta Innocent III. cap. 95: Both the Papal legates for Palestine, immediately after the taking of Constantinople, went thither, et tanta eos secuta est multitudo, non solum Laicorum, sed etiam Clericorum, quod alienigenae paene omnes et indigenae multi, Hierosolymitanam provinciam deserentes, Constantinopolim adierunt. So Reinerus Mon. Leodiens. (+ 1230) in his chronicon ad ann. 1207 (in Martene ampl. coll. v. 32), justly remarks: Negotium Graeciae multum impedit negotium Ecclesiae orientalis.

³⁶ Wilken vi. 83 (on the Children's Crusade see Wilken vi. 71, Hurter ii. 452.) Bull for the Crusade of the year 1213 (lib. xv. ep. 28. in Mansi xxii. 956):—omnibus qui laborem istum in propriis personis subierint et expensis, plenam suorum peccaminum, de quibus veraciter fuerint corde contriti et ore confessi, veniam indulgemus, et in retributione justorum salutis aeternae pollicemur augmentum. Eis autem, qui non in personis propriis illuc accesserint, sed in suis duntaxat expensis juxta facultatem et qualitatem suam viros idoneos destinarint, et illis similiter, qui licet in alienis expensis, in propriis tamen personis accesserint, plenam suorum concedimus veniam peccatorum. Hujus quoque remissionis volumus et concedimus esse participes juxta quantitatem subsidii et devotionis effectum omnes, qui ad subventionem terrae sanctae de bonis suis congrue ministrabunt. Personas quoque ipsorum et bona, ex quo crucem assumerint, sub b. Petri et nostra protectione suscipimus etc.

the chief ends in view.³⁷ The enthusiasm for the Holy Land was indeed by no means extinct:³⁸ But in Germany the continuance of the twofold reign of Frederick and Otto led to many unfavourable opinions of the Roman See, which necessarily obstructed its readiness to undertake a fresh Crusade.³⁹

³⁷ In the Bull of Summons (lib. xvi. ep. 30. in Mansi xxii. 960) we find: Illius ergo testimonium invocamus, qui testis est in caelo fidelis, quod inter omnia desiderabilia cordis nostri duo in hoc saeculo principaliter affectamus, ut ad *recuperationem videlicet terrae sanctae ac reformationem universalis Ecclesiae* valeamus intendere cum effectu. Quapropter—hoc tandem ad exequendum praedicta—providimus faciendum, ut—generale Concilium juxta priscam sanctorum Patrum consuetudinem convocemus,—in quo ad extirpanda vitia et plantandas virtutes, corrigendos excessus et reformandos mores, eliminandas haereses et roborandam fidem, sopiendas discordias et stabiliendam pacem, comprimendas oppressiones et libertatem fovendam, inducendos Principes et populos christianos ad succursum et subsidium terrae sanctae tam a Clericis quam a Laicis impendendum,—provide statuatur,—quaecunque de ipsius approbatione Concilii visa fuerint expedire etc.

³⁸ Compare the troubadour Pierre d'Auvergne (in French by Millot vol. ii. p. 20, in the original by Raynouard vol. iv. p. 115. Dieu exige, que nous le suivions pour aller reprendre son saint sépulchre. Suivons-le donc, comme l'Eglise l'ordonne. Celui qui mourra, pourra dire à Dieu: *Si tu es mort pour moi, ne suis-je pas mort pour toi?* (Like St Lewis in Humbertus de Romanis c. 17. See below § 58, note 4.) Then come demands requiring the Emperor Otto, Kings Philip Augustus and John, to make peace and take the cross. Quiconque restera, l'enfer sera son partage.

³⁹ Compare Walter von der Vogelweide: s. Gedichte herausgeb. von K. Lachmann. Berlin 1827. s. 34:

Ah! wie kristenliche nû der bâbest lachet,
swanne er sinen Walhen (Welschen) seit: ich hânz alsô gemachet,
—ich hân zwên Almân under eine krône brâht,
daz siz rîche sulen stoeren unde wasten.
ie (immer) dar under fûllen wir die kasten:
ich hâns an minen stoc (*truncus*, Geldkasten) gement (getrieben), ir
guot ist allez mîn:

ir tiutschez silber vert in minen welschen schrin.

ir pfaffen, ezzent hûenr und trinkent wîn,

unde lânt die Tiutschen — — vasten.

Sagt an, hêr stoc, hât iuch der babest her gesendet,
daz ir in richet, und uns Tiutschen ermet unde pfendet?

Swenn im diu volle mâze kumt ze Latrân,

sô tuot er einen argen list, als er ê hât getân:—

ich waen des silbers wênic kumet ze helfe in gotes lant:

grôzen hort zerteilet selten pfaffen hant.

hêr stoc, ir sit ûf schaden her gesant,

daz ir uz tiutschen liuten suochet toerinne unde narren.

§ 55.

HONORIUS III. (1216—1227.) GREGORY IX. (1227—1241.)

Principal sources : From this time Raynaldi ann. eccles. are important, because of their extracts from the unprinted "Regestis" of the Popes. Raumer Gesch. d. Hohenstaufen iii. 311, has contributed some new extracts, in translations, from the Regestis Honori III., and Greg. IX. (MSS. in the Vatican Library and the Archives.) Besides these are Frederick the Second's Letters in the Epistles of his Chancellor, Petri de Vineis epistolarum libb. vi. ed. Sim. Schardius. Basil. 1566. 8. novam edit. adjectis var. lectt. curavit J. R. Iselius. Basil. 1740. 2 Tomi. 8., also in Martene ampliss. collect. ii. 1134, in Baluzii miscellan. i. 446, in Hahnii collectio monumentorum i. 209, in Matthæus Paris and Raynaldus.—The Historian is Richardus de S. Germ. (see before § 54.)

When the young Emperor, Frederick II., set free from his cramping state of tutelage by the death of Innocent III. sought to attain a more independent position in his kingdom, he would undoubtedly at first have fallen out with the Roman see, which had now reached the pinnacle of its power, had not the personal character of the new Pontiff, Honorius III., been mild and yielding. Thus he suffered himself to be reasoned into acquiescence, when Frederick caused his son, Henry, who had been already appointed King of Sicily, to be chosen King of Germany also (April 1220),¹

Compare the same author in Lachmann s. 25 :

Künec Constantin der gap sô vil,
als ich ez iu bescheiden wil,
dem stuol ze Rôme, sper, kriuz unde krône.
Zehant der engel lûte schrê :
owê, owê, zem dritten wê!
ê (vordem) stuont diu kristenheit mit zûhten schône :
Der ist ein gift nû gevallen,
ir honec ist worden zeiner gallen.
daz wird der werlt hernâch vil leit.
alle fürsten lebent nû mit êren,
wan der hoechste ist geswachet :
daz bât der pfaffen wal gemachet.
daz sî dir, sûezer got, gekleit.
die pfaffen wellent leien reht verkêren.
der engel hât uns wâr geseit.

Also Johannes de Parrhiis (see below § 59, note 36) quotes from a vita Sylvestri: quod in donatione illa audita est vox angelorum, dicentium in aëre: *Hodie in Ecclesia venenum effusum est.*

He won over the German Prelates, by the grant of further privileges

and allowed him notwithstanding to be crowned Emperor (22. Nov. 1220.)² In the same manner Frederick met with but little opposition from the Pope, when he afterwards began to restore in his Sicilian dominions, the rights of the crown, which had been almost forgotten during the Papal Protectorate.³ With regard to the subjection of Lombardy, Frederick's aim in the diet of Cremona (1226) and the renewal of the Lombard League occasioned thereby, the Pope indeed openly took the side of the latter.⁴ When, however, Frederick soon seemed to forego this enterprize, it did not interrupt his relations with the Pope.

in the confederatio cum Principibus ecclesiasticis, Francof. 6 Kal. Maji 1220 in Pertz iv. 236. Frederick's communication of this to the Pope is in Raynald. ann. 1220. no. 12 ss., in which he says (no. 16) *Videtur autem nobis,—quod—non ob aliud promotionem nostri filii gravem fertis, nisi quia de unione Regni cum Imperio dubitatis. Quod equidem timere, aut suspicari non debet Ecclesia mater nostra.—Absit enim, quod Imperium commune aliquid habere debeat cum Regno:—tales nos exhibebimus apostolicæ Sanctitati, quod merito gaudere poterit mater Ecclesia talem filium procreasse. Nam etsi in Regno jus aliquod Ecclesia non haberet, et nos sine hærede decedere legitimo eveniret, prius ipso Romanam Ecclesiam quam Imperium dotaremus.* cf. J. D. Ritter diss. de electione Henrici VII. Vitemb. 1752. 4. Raumer iii. 329.

² The juramentum which Frederick drew up in Hagenau Sept. 1219, and promised to take at his coronation (in Raynald. 1274. no. 4. Pertz iv. 232. *Spicilegium Rom.* vi. 239), is to the same purport, as the engagement of 1213 (§ 54, note 17 and 20.) Here according to Pertz in the promissio, but not in the juramentum, after the words *adjuutores etiam erimus ad defendendum Ecclesie Romanæ regnum Siciliae*, is found the addition, *nec non Corsicam et Sardiniam*, which in Raynald. 1213 no. 25 is falsely introduced also into the promissio of 1213. The documents on the coronatio Romana are in Pertz. iv. 240: especially the constitution granted by the Emperor on his coronation day, for the liberties of the Church and clergy, against heretics, against the right of appropriating stranded goods, for the protection of foreigners and agriculturists l. c. p. 243, also in *Corpus juris civilis* ed. Kriegel. P. iii. (ed. E. Osenbrüggen) p. 884.

³ The epistle of Honorius to Frederick ann. 1226, which especially illustrates these circumstances, *Miranda tuis sensibus etc.* (Raumer iii. 400) is printed at length in Mansi xxiii. 91 (by mistake as an epistle of Gregory IX.) and in the *Notices et extraits* ii. 258.

⁴ On his mediations in party politics Raumer iii. 409. Godofred. Mon. ad. ann. 1226 speaks directly to the point: *P. Honorius—mittens Alatrinum Capellanum suum, cujus suggestionem Mediolanum et multae civitates complices contra Imperatorem conjuraverunt, facientes collegium, quod Longobardorum societas per multa tempora est vocatum.*

Because of these engagements in the internal arrangement of his realms, the Emperor had continually put off the promised Crusade to a future time, regardless of the repeated exhortations of the Pope, and regardless of the fact that since his marriage with Jolante (1225) he styled himself King of Jerusalem,⁵ in opposition to King John of Brienne. In the compact of St Germano (1225) the Crusade was at last fixed for August 1227;⁶ but when the Emperor, compelled by sickness, then desired fresh delay, the yielding Honorius was dead († 18. March 1227) and the rash and headstrong Gregory IX. forthwith pronounced sentence of excommunication against Frederick.⁷

⁵ That the fault of delay was not only to be laid to the Emperor's charge, but also to the abatement of interest in these enterprizes, see Raumer iii. 322 f., 327, 359, 382 ff., 419. Wilken vi. 359.

⁶ Rich. de S. Germano p. 998 and truly: *Haec capitula—promisit Imperator se publice servaturum excommunicatione adjecta in se et terram suam, si haec non fuerint observata.*

⁷ In the bull of excommunication in Matth. Paris p. 345 ss., and in Raynald 1227 no. 30 ss. Mansi xxiii. 40, the delay of the Crusade is the only reason given: on the other hand Frederick relates in his epist. ad commune Cesenense (*Hahnii collectio monumentorum* i. 212): [*Rom. Pontifex*] *die Jovis ante festum Paschae cum populum ex diversis mundi partibus pro diei solennitate in sui praesentia congregatum deberet ad liberationem terrae sanctae—invitare, ac de praesenti transitu nostro gratam facere mentionem, negotium Mediolanensium ac aliorum quorundam proditorum nostrorum coram omni populo, prohi pudor! in medium introduxit procedens contra nos,—ut per hoc manifestissime cognosceatur, quod, ex quo non habuit, ut incepit, pro negotio terrae sanctae contra nos justam materiam procedendi,—deficientibus justis causis rem inconvenientem assumsit.—Videat ergo universitas vestra,—si a saeculo est auditum, quod adversus aliquem Romanum Principem pro suis proditoribus fuerit unquam tam indecenter a Pontifice Romano processum. Frederick protests in his epist. ad univ. Reges et Principes christ. (Matth. Paris p. 347): *se non frivolis excusationibus, sicut ei Papa mendose imposuit, a peregrinatione reversum inchoata, sed maximae infirmitatis causa, illius super hoc testimonium invocans, qui est testis in caelo fidelis. Affirmavit insuper, quia quam citius sibi Deus prosperitatem praestiterit corporalem, votum suae peregrinationis, sicut decet Imperatorem, cum honore congruo persolvere Domino procurabit.* In his epist. ad Anglorum Regem (*ibid.* p. 348) he makes this statement, *Romanam Ecclesiam tanto jam avaritiae succensam incendio, et concupiscentia manifesta, quod bonis ecclesiasticis non sibi pro voto sufficientibus, Imperatores, Reges et Principes exhaeredare et tributarios constituere non veretur.* There is an extract from his epist. ad Principes Allemanniae in *chron. Ursperg.* ad h. a. Compare Wilken vi. 426.*

When, however, he commenced the Crusade (11. Aug. 1228, Fifth Crusade),⁸ public opinion quickly turned in his favour,⁹ especially when he concluded an advantageous truce for ten years (March 1229) with Kamel, Sultan of Egypt,¹⁰ notwithstanding the internal confusion of the Kingdom of Jerusalem, and the effects of the ban which followed him into Palestine; and the Pope was censured on all sides, when he suffered Apulia to be overrun by his armies, although he was invited by Frederick's Sicilian

⁸ Raumer iii. 431. Schlosser III. ii. i. 148. Wilken vi. 452.

⁹ The contemporary Conrad, Abbot of Auersberg, (chron. Urspr. ad ann. 1227) gives his opinion: Illic [Gregorius IX.] tanquam superbus —coept excommunicare Fridericum Imperatorem pro causis frivolis et falsis, et postposito omni ordine judiciario.

¹⁰ See the conditions of this peace, and the encyclic letters, in which Frederick communicated it to the Pope and western Princes, in Pertz iv. 260. On the other side there is the notice sent by Gerold Patriarch of Jerusalem to the Pope (Raynald. ann. 1229 no. 3 ss.) and ad universos Christi Fideles (in Matth. Paris p. 359 s.) In the first he makes this complaint among others: Imperatori Soldanus audiens, quod secundum morem Saracenicum se haberet, misit cantatrices, quae et saltatrices dicuntur, et joculatores, personas quidem non solum infames, verum etiam de quibus inter Christianos haberi mentio non deberet. Cum quibus idem Princeps hujus mundi vigiliis, potationibus et indumentis, et omni more Saracenco se gerebat etc. The Pope, however, knew still more (Matth. Paris p. 361): Audierat enim idem Papa de Imperatore praefato multa detestanda, quae faciebat contra legem christianam, quorum tenorem in scriptum redigens, per diversas orbis partes literis apostolicis publicare procuravit. In these even this was said among other things: Veruntamen manifeste videbatur, quod magis approbaret (secundum quod perpendi poterat per gestus exteriores) legem Saracenorum, quam fidei nostrae, quia in multis ritus eorum imitatus est. Frederick had intercourse before now with Saracens in Sicily, especially with men of learning (for the removal of the Saracens in 1223 from Sicily to Luceria in Apulia, see Recherches sur les monuments et l'histoire des Normands et de la maison de Souabe dans l'Italie méridionale, publiées par le Duc de Luynes. Paris 1844 fol.) The servant at the Mosque of Omar in Jerusalem, who showed the Emperor round it, gave this opinion of him (Reinaud extraits des historiens arabes relatifs aux guerres des croisades p. 431): Ses discours montraient assez, qu'il ne croyait pas à la religion chrétienne; quand il en parlait, c'était pour s'en railler. Gemal-ed-din, who came as ambassador to Manfred about 1260, says of Frederick (Abulfedae annal. Muslem iv. 349): erat Imperator vir inter Francorum Principes ingenii dotibus excellens, philosophiae et logicae et medicinae amans, animo in Muslemos propensus, quod valde mirum in eo non est, cum in Sicilia, cujus incolae plurimi Muslemi sunt, adolevit.

Viceroy, Rainold, Duke of Spoleto.¹¹ However, the Papal army (clavigeri) was soon chased away by the Emperor on his return; and though all the efforts of the Pope to raise the people against Frederick remained without any adequate result,¹² and in Ger-

¹¹ Gregory indeed wrote to his Legate in France (in Matth. Paris p. 348 s.): *Adhuc pro certo scias quod licet dictus Imperator cum paucis militibus mare dicitur intrasse, contra patrimonium Ecclesiae magnum exercitum Christianorum et Saracenorum multitudinem destinavit* (how groundless this charge was, see Raumer iii. 445, 453).—*Cum igitur ex officio—providere cogimur, ne minister Machometi in Christi ministros diutius valeat desaevire,—Dilectioni tuae—mandamus, quatenus—haec solenniter praedicans Christi fidelibus, ut pro statu fidei et religionis observantia stent ex animo, tanquam prosequentes singuli proprium interesse etc.* Still Conrad of Lichtenau (l. c.) gives as his judgment: *Papa captata occasione de absentia Imperatoris copiosum exercitum destinavit in Apuliam, et terras Imperatoris in servitio Christi demorantis, quod nefandissimum est dicere, abstulit, et sibi subegit, et cruce signatos, ne transfretarent, omni studio prohibuit, tam in Apulia, quam in Lombardia.* Quis talia facta recte considerans non deploret et detestetur, quae indicium videntur, et quoddam portentum, et prodigium ruentis Ecclesiae? A Minnesinger, who had taken part in the Crusade, condemns, indeed, the Emperor's intimacy with the Sultan, but still more the hostile demeanour of the clergy towards the Emperor, who had nevertheless done so much in Palestine, see Bridankes courtesy in W. Grimm, Göttingen 1834, s. 154 ff. Compare the Preface s. xliii. e. g. s. 160:

got unt der keiser hânt erlöst
ein grap, de ist aller kristen tröst.
sit er das beste hât getân,
so sol man in âs banne lân.
desn wellent Rômaer lihte niht:
swas ân ir urloup guotes geschiht,
dem wellents deheiner staete jehen;
nu ist das ân ir dank geschehen.

S. 162: Der ban der hat krefte niht,
der durch vientschaft geschiht.

S. 151: Der bâbest ist ein irdesch got,
und ist doch dicke der Rômaer spot.
ze Rôme ist sbâbstes êre kranc:
in vremediû lant gât sîn getwanc.
sîn hof vil dicke wüeste stât,
so er niht vremeder tôren hât.

¹² About his Lombard allies he utters bitter complaints (Rayn. ann. 1229 no. 33): *Utinam nunquam Lombardi se nostris obsequiis obtulissent! utinam nunquam ab ipsis aliquod auxilium sperassemus, quoniam satis alias honori Ecclesiae consulere poteramus, nisi quia nolentes eis subtrahere dexteram adiutricem supplicationibus et promiss-*

many the *Sachsenspiegel* even laid down fundamental principles

sionibus acquiescimus eorundem. Sed dum causam eorum in alienis finibus utiliter ageremus, dum refraenaremus impetum inimici aspirantis ad ipsorum exterminium inhiante, ecce Lombardi auxilium adeo distulerunt etc. Now other nations were pressed to aid. England, whose weak King, Henry III., quite gave himself up to the Papal Legate, for the sake of support against his own people (*Schlosser III. ii. ii. 269*), was forced to furnish money. *Matth. Paris ann. 1229 p. 361 ss.: Dominus Papa exigebat decimas omnium rerum mobilium—ab universis laicis et clericis ad guerram suam sustinendam. The Laity refused—the Legate Stephen compelled the clergy, commanding them under pain of interdict and excommunication, and they were even obliged to give tithe de frugibus autumnii futuri, qui adhuc in herba crescebant. The Legate had with him, at hand, money lenders of the worst kind, disguising usury under the name of business, qui egentibus et exactionibus vexatis obtulerunt pecuniam: et urgente memorato Stephano sub poena gravissima coacti multi mutuo cepere, qui postea in laqueos eorum inciderunt, damna insatrabilia incurrentes.—Ex eo autem tempore non defuerunt in terra Anglicana quidam transmontani, qui se mercatores nominant, usurarii impiissimi, qui nihil aliud quaerunt, nisi in laqueis suis, praecipue quos Romana curia angariat, illaqueare.—Gregory even writes to the Archbishop of Lyons (Raynaldus 1229 no. 35): te in succursum Ecclesiae advocavimus confidenter, utpote qui praestito juramento ad defendendum Papatum et regalia b. Petri esse teneris adjutor—(see below § 62. note 1.) Fraternitatem tuam rogamus,—in virtute obedientiae sub debito juramenti districtae praecipiendo mandantes, ac in remissionem peccaminum—injungentes, quatenus sine morae dispendio cum congruo exfortio bellatorum ad nos personaliter venire festines. For his exertions in Germany see Godefrid. Mon. ad ann. 1228: Papa—per omnes provincias publice mandat, Imperatorem excommunicatum denunciari, missis nunciis et maxime praedicatoribus ad id exequendum. Quorum unus dictus Otto Cardinalis—in Teutonium et Daciam mittitur, ejus intentio erat Imperatoris gravamen procurare, et super hoc consilium expetere Ottonis dicti Ducis de Luniburg: sed idem Otto contra Imperatorem renuit aliquid attentare. He was even driven away from Liege (compare on this head the gesta Pontiff. Leodensium c. 130, in Chapeavilli gesta Pontiff. Leod ii. 259, by Rigidius a contemporary): and the men of Aix had taken Episcopum Mutinensem de Prutia (about this man Bishop of Modena, a legate in Prussia, see Münters Magazin f. Kirchengesch. des Nordens i. 185) on his way back from his mission, et captum detinuerant, magna quantitate auri sublata. The Legate was commissioned Alberici chron. p. 535: ad submitendum et conciliandum Archiepiscoporum etc. animos domino Papae in depositionem Regis Alemanniae Henrici, filii Imperatoris—excommunicati, et ad electionem alterius, qui repertus fuisset idoneus, sed inter factum et dictum multa frequenter impedimenta occurrunt. For instance Godefrid. Mon. ad ann. 1230: Otto—apud Herbipolin concilium provinciale indicit, sed renitentibus laicis, et paucis Ecclesiarum Praelatis venientibus iratus recessit.*

which contravened the Pope's universal sway,¹³ still he must have been glad to see all differences settled by the honourable peace of St Germano (28. Aug. 1230.)¹⁴

The new friendship stood the test of many explanations with regard to the continually clashing interests of both sides, and even by the new collection of Sicilian laws, made by Peter de Vineis¹⁵ (1231) it was only interrupted for a time:¹⁶ but it was wreckt

¹³ The *Sachsenspiegel*, collected by Eiko of Repchowe, Schöffe in Salpke near Magdeburg about 1216 (published by C. W. Gartner, Leipzig 1732 fol. by Dr C. G. Homeyer, Berlin 1827. 8.) Buch i. Art. 3. towards the end: Jo doch en mach dey Pawes neyn recht setten, dar he unse lantrecht off leenrecht mede ergere off krenke. Buch 3. Art. 54. (al. 48): Also men den Koninck kuset, so sal hei deme rike hulde doen, und sweren, dat hey recht sterken und unrecht krenken wille, und dat rike vorstaen an syne rechte, so hei best kunne und moge. Darna en sal hei neyne eede mer sweren, id en sy dat one dey Pawes schuldige, dor dat hey an deme rechten geloven twivele (cf. § 54, note 12, 15, 18).—dengen den dei in des Paweses banne is mit rechte, denen moet men nicht to Koenigen keisen. Art. 57. (al. 50.): Den Keyseren mach dey Pawes noch neymant bannen na der tiit, dat hey gewydet is, dann vinne drei sake willen. off hey an deme geloven twyvelt, syn echte wiiff verleet, eder godes hus vorsturet. Art. 63. (al. 56.): Bann schadet der seile, und nemet doch neymande syn liiff, und krenket neymande to lantrechte, dar en volge des Koninges achte na. The Papal Bull, which condemned 14 articles of the *Sachsenspiegel*, and among them those above quoted, is attributed by Mansi xxiii. 157 ss. to Gregory IX., but it is by Gregory XI. in the year 1374 (see Raynald. ad. h. a. no. 12), although Gruben doubts its genuineness altogether (*Spangenberg's Beitr. zu d. deutschen Rechten des Mittelalters*. Halle 1822. 4. s. 94 ff.).

¹⁴ Rayn. ann. 1230 no. 3 ss. Raumer iii. 458.

¹⁵ The best edition is *Constitutiones Regum regni Siciliae utriusque*. Neapoli 1786 fol. There is a sketch of this legislation in Raumer iii. 468. Severe laws against heretics lib. i. tit. 1—3, but tit. 17: *Judaeos et Saracenos non propterea, quod Judaei vel Saraceni sunt, artari volumus innocentes*. Tit. 42: The crimes of the clergy belonged to ecclesiastical jurisdiction, excepto si de proditiōe aliquis fuerit appellatus, vel alio magno hujusmodi maleficio, quod spectat ad majestatem nostram: quod si acciderit, volumus et praecipimus, ut de hoc—in nostra curia judicetur. Tit. 46: *frimiter inhibemus Praelatis Ecclesiarum, Comitibus etc., ne justitiarius officium in terris suis exercere audeant, vel gerendum alicui demandare*. Tit. 66: *Si quis clericus de haereditate vel aliquo tenimento, quod non ab Ecclesia—teneat, appellatus fuerit; volumus, ut de hoc in curia illius, in cujus terra possessionem vel tenimentum habuerit, respondeat, et quod justum fuerit, faciat*.

¹⁶ Gregory wrote indeed to the Emperor on this subject (Rayn.

at last on the Lombard politics;¹⁷ for whilst the Emperor was incessantly striving to restore in this country the ancient rights of his crown, the Pope feared nothing more than to be surrounded on all sides by the obedient subjects of one Monarch. When the arbitration of the Pope, unfavourable as it was to the Emperor, still produced no effect upon the Lombards,¹⁸ Frederick at length (1236) had recourse to arms,¹⁹ and now Gregory was his foe. He could be at no loss for charges against him, so soon as he sought them, in claims of the

ann. 1231 no. 9): Intelleximus siquidem, quod vel proprio motu, vel seductus inconsultis consiliis perversorum novas edere constitutiones intendis, ex quibus necessario sequitur, ut dicaris Ecclesiae persecutor, et obrutor publicae libertatis etc. But as Frederick answered firmly, and at this time the Romans pressed the Pope hard, there followed soon a soothing letter (ib. no. 10): Intelleximus, quod ex literis, quas nuper imperiali celsitudini destinavimus, motus utcumque fuisti, quia plus amaritudinis quam dulcedinis sapere videbantur.—Sed nec filio fuit aegre ferendum, quia pater filium, quem diligit, corripit.—Rogamus—quatenus omni omnino suspicione deposita, quod id processerit nisi de merae spiritu caritatis, de nobis in veritate confidens etc.

¹⁷ Gregory informed the Lombards of the treaty of St Germano, with an assurance from the first, that they should not be sufferers from it (dd. 10. Oct. 1230, in Höflers Kaiser Friederich II., München 1844, s. 329), cum nec leviter possetis offendi, quia graviter nos reputaremus offensos.

¹⁸ Raumer iii. 642 ff. 728 ff.

¹⁹ Gregory would gladly have sent the Emperor to Palestine for this reason; however he answered him (in Matth. Paris ann. 1236, p. 433): Italia haereditas mea est, et hoc notum est toti orbi. Anhelare ad aliena et propria relinquere, ambitiosum esset et enorme: praesertim cum Italicorum, praecipue Mediolanensium, me injuriis lacessivit insolentia; in nullo mihi debitam exhibens reverentiam. Praeterea Christianus sum, et qualiscunque servus indignus Christi, accinctus ad Crucis inimicos debellandos. Cum igitur tot haereses non tantum pullulent, imo silvescant in Italia, et jam zizania segetes incipiant suffocare per civitates Italicas, praecipue Mediolanensium: transire ad Saracenos hostiliter expugnandos, et illos incorrectos pertransire, esset vulnus infixo ferro fomentis superficialibus delinire, et cicatricem deformem, non medelam procurare. Item solus sum et homo sum, nec ad tantum laborem sufficio, ut inimicos Crucis sine magno comitatu adeam debellaturus, incredulos, qui tot sunt, et tam fortes, expugnando. Iterum cum sine thesauris magnis ad tam arduum negotium consurgere per me non sufficiam, opes ejusdem terrae in opem et ultionem Crucifixi convertere destinavi. Abundat equidem Italia armis, equis, et opibus: hoc terra novit universa. On the well-known spread of heresies among the Lombards Frederick lays great stress, with a view to introduce here also the principles adopted against the Albigenes.

Roman See at that time; especially as Frederick's son Enzo had become King of Sardinia by marriage (1238), without any reference to the Pope.²⁰ At length Gregory concluded a public alliance with the Lombards, and pronounced sentence of excommunication and dethronement against Frederick (20. and 24. March 1239.)²¹

Now began a struggle for life and death. At first both parties endeavoured by violent publications and replies to win public opinion to their side; and here it was that the Pope, accused by the Emperor of being a protector of heretics,²² retorted upon

²⁰ When the Pope reminded him of his oath (above note 2) he answered, Matth. Paris, p. 484: *Ipsam insulam ad Imperium spectare ab antiquo, et per occupationes et alia ardua negotia imperialia Imperatores eam amisisse, et ipsum ideo eam ad corpus Imperii revocasse. Ego vero juravi, ait, ut jam novit mundus, dispersa Imperii revocare: quod non segniter adimplere procurabo.* cf. J. T. Koeler *Entius s. Henricus Rex Sardiniae* diss. hist. Goett. 1757. 4. King Enzo by E. von Münch, Stuttgart 1841. Raumer iv. 13.

²¹ Now indeed the Emperor, who since the battle of Cortenuova (Nov. 1237) had gained decidedly the upper hand, would have no more of Papal interference. The deed of excommunication is in Matth. Paris, p. 486, and Rayn. 1239, no. 2 ss. Among the reasons for excommunication the most remarkable are: I. quod contra Romanam Ecclesiam seditionem iniit in Urbe, III. quod non permittit quasdam cathedrales et quasdam alias vacantes Ecclesias in Regno ordinari, IV. quod in Regno clerici capiuntur et incarcerationum, proseribuntur et occiduntur, VII. quod nepotem Regis Tunicii venientem ad Ecclesiam Romanam pro suscipiendo baptismatis sacramento detinet nec venire permisit, IX. quod terras Ecclesiae sc. Ferrariam etc. et terram Sardiniae occupavit contra iuramentum, quo super hoc Ecclesiae tenetur, temere veniendo, XVI. quod per ipsum impeditur negotium terrae sanctae, et reparatio Imperii Romaniae. Frederick sent back an answer to these charges, which for the most part is severe enough, to the Pope by the messengers who brought him tidings of his sentence (in Matth. Paris, p. 492 ss.)

²² Frederick forthwith issued letters to the Cardinals (Matth. Paris p. 491. *Petri de Vineis epistoll. i. 6*), to the Romans (Matth. Paris p. 490. *Petr. de Vin. i. 7*), to all nobles (Matth. Paris p. 500. *Petr. de Vin. i. 21*) etc. The last displays the posture of affairs most plainly. *Indignum praeterea se tanti coërcitione Principis, et generaliter qualibet pontificalis auctoritate iudicii reddidit, dum Mediolanensem civitatem, quae pro maxima parte—inhabitur haereticis, contra nos et Imperium manifesto favore tuetur.—Quantumcunque conscientiae nostrae librum sollicitè revolvamus, nullam in nobis occasionem invenimus ad causam, propter quam iste inimicus homo contra nos deluisset tam acriter commoveri. Nisi quod cum ipso contrahere de nepte sua desponsanda Henrico naturali filio nostro, nunc Regi Turris et Gallurae*

him a charge of downright infidelity,²³ a charge which, however justly it might be estimated by unprejudiced persons, was never-

nostra magnificentia credidit indecens et reputavit indignum.—Ad domos vestras cum aqua concurrite, dum ignis accenditur in vicinis. Causam motus pontificalis attendite, quod in favorem rebellium nostrorum procuratur. Quae causa licet ad praesens expressa non fuerit, proculdubio tamen subest. Similia vobis in vestris imminere pericula timeatis. Facilis enim et Regum et aliorum Principum omnium humiliatio creditur, si Caesaris Romanorum potentia conteratur, cujus clypeus prima jacula sustinet adversantium. Haec est namque causa pro vero, videlicet de Lombardis, quae cor Papae pungebat et urebat intrinsecus: licet ipsam foris educere propter nostrum et audientium scandalum non auderet: pro qua nobis per specialem suum nuncium fide dignum (cujus ad hoc testimonium invocamus) oretenus expresse promisit, quod si negotium Longobardorum in ejus arbitrio poneremus, nedum quod in aliquo magnificentiam nostram offenderet, verum etiam totius orbis decimas, terrae sanctae necessitatibus consecratis, nostris utilitatibus applicabat.

²³ Gregorii ep. ad omnes Principes et Praelatos terrae (in Matth. Paris, p. 506. Mansi xxiii. 79): *Ascendit de mari bestia, blasphemiae plena nominibus, quae pedibus ursi, et leonis ore desavriens ac membris formata caeteris sicut pardus, os suum in blasphemias divini nominis aperit, tabernaculum ejus et sanctos, qui in caelis habitant, similibus impetere jaculis non omittit (Apoc. xiii. 1—6).*—Igitur admirari desinite omnes, ad quos ab hac bestia contra nos edita pervenerunt obloquia blasphemiae. Next comes a long statement of the circumstances in detail, and at the end: *iste Rex pestilentiae a tribus Baratoribus, ut ejus verbis utamur, scilicet Christo Jesu, Moyse et Machometo, totum mundum fuisse deceptum: et duobus eorum in gloria mortuis, ipsum Jesum in lignum suspensum manifeste proponens: insuper dilucida voce affirmare, vel potius mentiri praesumpsit, quod omnes fatui sunt, qui credunt, nasci de virgine Deum, qui creavit naturam et omnia, potuisse. Hanc haeresim illo errore confirmans, quod nullus nasci potuit, ejus conceptum viri et mulieris conjunctio non praecessit: et homo debet nihil aliud credere, nisi quod potest vi et ratione naturae probare.* The passionate tone shows plainly how hard he was hit by those declarations of Frederick's. Frederick did not remain long in his debt. In his answer (Petr. de Vin. i. 31) he declared him to be the beast of the Apocalypse vi. 4.—*Ipse est Draco magnus, qui seduxit universum orbem, Antichristus est, ejus nos dixit esse praecambulum: et alter Balaam conductus pretio, ut malediceret nobis, princeps per principes tenebrarum, qui abusi sunt prophetiis. Hic est angelus prosiliens de abyso, habens phylas plenas amaritudinis, ut a mari et terrae noceat. Inseruit enim falsus Christi vicarius fabulis suis, nos christianae fidei religionem recte non colere, ac dixisse tribus baratoribus mundum esse deceptum: quod absit de nostris labiis processisse, cum manifeste confiteamur unicum Dei Filium etc.* Then follow orthodox declarations of his belief about Christ, Mahomet, and

theless of great weight issuing from his mouth.²⁴ Meanwhile Gregory's attempt to raise up a pretender to the throne against

Moses. Sed si rectitudo sensus apostolici non fuisset intrinsecus impedita, nec praeposuisset impetum rationi, qui dominatur in ipso, talia non scripsisset.

²⁴ Matthew Paris, p. 512. On the effect of the Papal Brief: Nisi Romana avaritia devotionem populorum a domino Papa, plusquam expediret et deceret, avertisset: totus mundus hac epistola exasperatus in Imperatorem, quasi in manifestum hostem Ecclesiae et Christi inimicum, graviter et unanimiter insurrexisset. Sed prohi dolor! multi filii a patre suo Papa avulsi sunt et Imperatori adhaerentes asserabant, quod *odium inexorabile, inter eos jam induratum*, praedicta jurgia et invectioes excogitatas excitabat.—Addiditque populus: Quid sibi vult istud? Retroactis temporibus imposuit Papa Imperatori, quod ipse Machometo legique Saraenicae plus consensit, quam Christo vel legi christianae: nunc autem in sua invectiva epistola imponit eidem, quod tam Machometum, quam Jesum vel Moysem, quod horribile est recitare, vocat Baratazem. In epistolis suis humiliter de Deo scribit Imperator et catholice, nisi tantum quod hac ultima papali personae derogat, non officio: nec publice praedicat, nec procaciter sustinet quicquam haeticum, ut novimus adhuc, vel profanum: non usurarios nobis misit, vel raptoreis redituum. Et sic ortum est jam schisma in populis formidandum. In order to judge rightly of this charge against Frederick, it must be remarked: 1. That between the first and second excommunication not a word is said of it, while Frederick urges on the Pope the suppression of heresies in Milan, and that even in the second bull, (note 21) where everything is sought up, nothing of the kind is brought forward. Immediately after this, however, the rumour must have come to the ears of the Pope, and at a time when the credulity and passionate temper of the man, now almost a hundred years old, must undoubtedly have encouraged tale-bearers enough. 2. That Innocent IV. at Lyons 1245 does not venture to repeat this charge (see below, § 56, note 4.) 3. So early as the year 1201 Simon de Tournay, Professor of Theology in Paris, is said to have declared: tres sunt, qui mundum sectis suis et dogmatibus subjugarunt, Moyses, Jesus et Mahometus. Moyses primo judaicum populum infatuavit, Jesus Christus a suo nomine Christianos, gentilem populum Mahometus. See Thomas Cantipratanus (a Dominican † 1263) bonum universale de apibus, lib. ii. c. 48, no. 5. And would a man of great intellectual power, as Frederick undoubtedly was, have adopted such strange folly from another hand? 4. Frederick may well have been a freethinker on many heads, as his contemporaries assert (see especially the opinion of the Arab above note 10); yet the anecdotes of his unbelief in Albericus, p. 568 etc. (compare Raumer iv. 36) and shameful morals (the same, iv. 231) cannot deserve unconditional belief: and I cannot on this account with Schlosser III. ii. i. 147, 407, 425, disclaim for him all faith in religion and morals. Comp. Raumer iii. 569, iv. 39. The Tract de tribus impostoribus has indeed borrowed its title from this story, but

Frederick was powerfully resisted not only in Germany,²⁵ but also

it belongs at the earliest to the 16th century, see *De impostura religionum breve compendium*, s. lib. de tribus impostoribus, published with an introduction by F. W. Genthe, Leipzig 1833. *Der Zweifel am Glauben, kritik der Schriften de tribus impostoribus*, by D. K. Rosenkranz, Halle and Leipzig 1830.

²⁵ Albertus Stadensis ad ann. 1240 p. 213 : Papa Archiepiscopos et Episcopos ad denunciationem Imperatoris sollicitavit, sed modicum profecit, nisi in Francia et Dacia. Archiepiscopi et Episcopi Teutonici Papae rescripserunt, supplicantes ei, ut pro scandalo Ecclesiae evitando, de pace inter se et Imperium cogitaret. p. 215 : Papa Gregorius insolentias Imperatoris contra Ecclesiam metuens Principes super electione alterius sollicitavit, sed nihil profecit, quia quidam Principum ei rescripserunt, non esse sui juris, Imperatorem substituere, sed tantum electum a Principibus coronare. Such letters from the Bishops and Princes to the Pope, see in Pertz. iv. 334, among others Herman Landgrave of Thuringia writes : leve non est, tantum Romanorum Principem—injuriose vexari, dum juris parere desiderat aequitati : certe, pater, fides devotorum Imperii, ut cessent praemissa, se potenter opponeret et patenter ; nec credatis aliud assentatori alicui contrarium suggerenti. More Bishops and Princes (Hahnii collect. monument. i. 234) : Imperii justitiam, propter quam persecutionem se pati queritur, producit in medium dominus Imperator, ad suae causae munimen, praeter expressae probationis indicia, vulgaris femae praesidium et testimonium generalis opinionis adducens, quod in favorem Mediolanensium et suorum sequacium processeritis taliter contra eum. Matth. Paris ad ann. 1239 p. 516 : tantum promeruit Romanae Ecclesiae improbitas omnibus execranda, quod a nullis vel a paucis meruit papalis auctoritas exaudiri. From the unprinted acts of the papal Legate Albert von Beham, Archdeacon of Passau, which are still extant in the Royal Library at Munich, have been collected Aventini excerpta ex Alberti Bohemi actis et commentariis in Oefelii rerum Boicarum scriptt. i. 785, and Aventini annales Bojorum lib. vii. c. 4 ss. They are used in favour of the Papal cause, in Höflers Kaiser Frederick II. München 1844. On the manly firmness of the Bavarian Bishops against the intrigues of this turbator totius Bojoariae, see Aventini ann. l. c. (ed. Gundlingii p. 643) : Cuncti fremere, indignari, stomachari coeperunt ; hominis (Allerti) temeritatem, ejus vitam ac mores probe nossent, detestabantur. Omnia tumultu in Germania complentur : indignissimum facinus praeter fas atque aequum clamitant Romanum inceptare Episcopum. Conradus Fruxinensis Episcopus (v. Freisingen) ad Imperatorem provocat, nullum jus Romano flammī absque consensu pontificum Germaniae esse in Germania propalam decet : suos, inquit, Romanensis sacerdos pascat Italos, nos a Deo constituti canes a nostris ovibus lupos ovina pelle tectos arcebinus. Eberhard, Archbishop of Saltzburg 1241, speaks out most strongly, at a gathering of the Bavarian Bishops in Ratisbon (l. c. cap. v. p. 650 s.). Among other charges he says, Sub Pontificis Max. titulo, pastoris pelle, lupum saevissimum, nisi caeci sumus, sentimus. Romani flammī arma in omnes habent

in France.²⁶ In England the plundering of the Church had

Christianos : audendo, fallendo, et bella ex bellis serendo magni facti, oves trucidant, occidunt : pacem, concordiam terris depeliunt : intestina bella, domesticas seditiones ab inferis eliciunt : in dies magis atque magis omnium vires debilitant, ut omnium capitibus insultent, omnes devorent, universos in servitutem redigant.—Christus inimicos odio habere vetat.—Hildebrandus ante annos centum atque septuaginta primus, specie religionis, Antichristi imperii fundamenta jecit. Hoc bellum nefandum primus auspicatus est, quod per successores hucusque continuatur.—Credite experto, non cessabunt, donec Imperatore in ordinem redacto, Romani Imperii honore soluto, pastoribus veris, qui pascant, oppressis, canibus, qui latrare queant, sublati, per hunc morem omnia extinguant aut occidant. Ideo omnia turbare atque permiscere volunt.—Qui servus servorum est, dominus dominorum, perinde ac si Deus foret, esse cupit.—Ingentia loquitur, quasi vero Deus esset. Nova consilia sub pectore volutat, ut proprium sibi constituat Imperium : leges commutat, suas sancit, contaminat, diripit, spoliatur, fraudat, occidit, perditus homo ille, quem Antichristum vocare solent, in cujus fronte contumelie nomen scriptum est : *Deus sum, errare non possum*, in templo Dei sedet, longe lateque dominatur. The conclusion runs this : Date operam, Patres consulti, ut a Germania, gente christianissima, caedes, discordie mala, incendia, crudelia facinora in cives, in patriam patrata, pellantur, pax civilibus armis exacta, concordie bonis revocetur. Quod tum fiet, si Imperatori Friderico secundo, Caesari augusto, principum christianissimo, a Deo constituto obtemperabimus, et pestem illam atque serpentem (namely Albert, e Bojoaria eliminaverimus. Otto, Duke of Bavaria, writes in the beginning of April 1241 (Alberti de Beham acta in Höflers Frederick II. s. 131) : proximo autumnno major pars Episcoporum, laicorum Principum Lombardiam intrabunt in auxilium Friderici. Nos, qui paucissimi, cogemur desperare. Compare also the contemporary Bruoder Wernher, Minnesinger, collected by F. H. v. d. Hagen (3 Th. Leipzig 1838. 4.) ii. 227 :

Gregorie, Babest, geistlicher Vater, wache und brich abe dinem slaf,—

Lamparten gluert in Kezzerheit : warümbe leschestu das nilt ?—

Si schenkest dir von Golde ein trunk, das dich in sünden lat.

Dem Keiser hilf sin recht behaben,

Das hoehet dich und alle geistlich orden.—

Las zwischen dir und im nicht hasses horden :

So wirt der vride und der geloube stark, unt nimt niht abe ;

So süln wir prüfen eine vart vür sünde hin ze Gotes grabe.

²⁶ Matt. Paris ann. 1239, p. 517. In a letter to the King and Barons of France, the Pope offers the Imperial crown to Count Robert, the King's brother. They answered : Quo spiritu vel ausu temerario Papa tantum Principem, quo non est major, imo nec par inter Christianos, non convictum vel confessum de objectis sibi criminibus, exhaeredavit, et ab apice imperiali praecepit ? Qui si meritis suis exigentibus deponendus esset, non nisi per generale Concilium cassandus judicaretur.

raised the most bitter outcry against Rome :²⁷ and now that (since

De transgressionibus suis non est hostibus suis fides adhibenda, quorum Papa dignoscitur esse capitalis. Nobis adhuc insons, imo bonus fuit vicinus : nec quid sinistri vidimus de eo in fidelitate saeculari, vel fide catholica. Scimus autem, quod domino nostro Jesu Christo fideliter militavit, marinis et bellicis se periculis confidenter opponens. Tantum religionis in Papa non invenimus : immo, qui eum debuit promovisse, et Deo militantem protexisse, eum conatus est absentem confundere et nequiter supplantare.—Sed ne in vacuum papale mandatum videamur suscepisse, licet magis constet hoc ob odium Imperatoris, quam nostri dilectionem ab Ecclesia Romana derivasse ; mittemus nuncios prudentes ex nobis ad Imperatorem, qui quomodo de fide catholica sentiat diligenter inquirant, nos super hoc certificaturos. French Ambassadors actually appeared before the Emperor, to whom he gave assurance of the soundness of his faith : “ Non placeat domino meo Jesu Christo, ut unquam recedam a fide magnificorum patrum, et antecessorum, sequens vestigia perditorum. Judicet autem Dominus inter me et ipsum, qui me ita per orbem tam nequiter diffamavit.” Et tendens manus in caelum, lachrymis obortis, singultando exclamavit : “ Deus ultionum dominus reddat ei retributionem etc.” The Ambassadors went away with a conviction of Frederick's innocence.

²⁷ Compare above note 12. Matth. Paris ad ann. 1234 p. 400 : Ut efficacius (Papae nuncii) thesauros omnium emungerent, et pecuniam quasi ad succursum terrae sanctae undique colligerent.—scripsit dominus Papa omnibus Christi fidelibus in haec verba elegantissima, quae corda hominum lapidea viderentur penetrare, nisi facta humilitati ac justitiae luce clarius adversantia sequerentur. Next comes the Papal bull for the crusade. Then p. 402 : Haec cum per Christianorum climata, praecipue per Angliam, Christi fidelibus innotescerent, et praedicatio per Praelatos, maxime vero per fratres Praedicatores et Minores fieret, quibus data fuit potestas cruce signandi, et votum data pecunia relaxandi, sese multi—cruce signaverunt. Sed—parvo tempore succedente facta est tanta commutatio, tam multiformis pecuniae exactio ; nec sciri poterat, in quam abyssum tanta pecunia—est demersa ; quod *fidelium circa negotium crucis tepuit, imo potius charitas refriguit generalis*. Still more after the year 1240. Idem ad ann. 1240 p. 525 : At first the Legate publishes that he had full power to absolve from the vow of the Cross, and truly ut tales non solum absolvere, verum etiam ad redimenda vota sua compellere debeamus. Thereupon inceptum ipsi Praedicatores fratres et Minores et alii viri literati, praecipue Theologi, cruce signatos absolvere a voto suo ; accepta tamen pectunia, quanta sufficere videbatur unicuique ad viaticum ultramarinum. Et factum est in populo scandalum cum schismate. Absurdum enim videbatur etiam simplicibus, quam diversis muncipulis simplicem Dei populum substantia sua moliebatur Romana curia privare, nihil petens nisi aurum et argentum. Next the Pope demanded from the clergy (p. 526) quintam partem bonorum suorum, quibus suffultus (Papa) injurias tam validi inimici valeret propulsare. After a long struggle, the Archbishop of Canterbury was the first to give in (p. 527), and the

1240) the devastating torrent of Mongols was seething on the German frontier, popular indignation was still further roused against the passionate Pope, who detained the Emperor in Italy.²⁸

After that Frederick had conquered the whole States of the Church up to the very walls of Rome (1240), Gregory determined, by means of a general council, to make his cause that of the whole Church.²⁹ But Frederick intercepted the prelates hastening to Rome in a Genoese fleet, and Gregory died in his vexation, before he had power to take vengeance († 21. Aug. 1241.)

§ 56.

CELESTINE IV. (23. SEPT.—8. OCT. 1241.) INNOCENT IV.

(24. JUN. 1243—7. DEC. 1254.)

Sources: After Richard de S. Germano (see before § 54) there follow Nicolaus de Jamsilla in 1258, continued by an unknown hand to 1265 (in Muratori

rest of the English prelates seeing this, fell into the same error. But even this was not enough (p. 533): *Misit enim Papa, pater noster sanctus, quendam exactorem in Angliam, Petrum Rubeum, qui excogitata muscipulatione infinitam pecuniam a miseris Anglicis edoctus erat emungere. Intravit enim religiosorum capitula, cogens et seducens eos ad pecuniam promittendam, et promissam persolvendam, exemplo aliorum Praelatorum, quos mentitus asserebat gratanter persolvisse. Dixit enim: ille Episcopus et ille, ille Abbas et ille, jam libens satisfacit: quidnam vos ignavi tam moramini, ut grates cum numeribus amittatis? Fecit etiam praedictus inpositor jurare, ut hoc genus pecuniam extorquendi nulli hominum infra dimidium annum facerent manifestum: quasi eliciens hoc ex singulorum primitiva professione, cum tantum de honestis sit consilium papale celandum.* (See below § 62, note 1.) The deluded men remonstrated before the King, but he abandoned them to the Legate (p. 534): *Ecce domine mi Legate, isti miseri seductores, pandentes secreta papalia, obloquuntur, voluntati vestrae non adquiescentes: facite de ipsis, quod vobis placeat.* Then the Legate tried to move the Bishops also to like contributions. At first they sought courteously to decline: then bitter words fell from their lips (p. 535): *Sicut Ecclesia Romana suum habet proprium patrimonium,—similiter et aliae Ecclesiae suum,—quod in nullo est censuale vel tributarium Ecclesiae Romanae.* It is written, indeed: *Quodcunque ligaveris etc.*, but not *quodcunque exegeris super terram, erit exactum et in caelis.* Nevertheless, Roman craft triumphed at last, by means of its maxim *Divide et impera.*

²⁸ Raumer vi. 77 ff. Especially as the Mendicant Friars were even then preaching a crusade against Frederick. Waddingii annales minorum edit. ii. tom. iii. p. 42.

²⁹ Compare above note 26. For what follows, Raumer iv. 94 ff.

rer. Ital. scriptt. T. viii. p. 489 ss.) and Sabae Malaspinæ rerum Sicularum libb. vi. ann. 1250—1276 (ibid. p. 781 ss.) Raumer's Gesch. der Hohenst. Bd. 4. s. 106 ff.

At length, after long delay on the side of the Cardinals,¹ Innocent IV. was elected to fill the throne once more vacated by the speedy death of Celestine IV. He began, indeed, with negotiations for peace with Frederick, which promised at first the wished for result.² But he suddenly escaped to Lyons by the help of the Genoese (1244),³ and there forthwith assembled a General Council (June 1245) that he might pronounce afresh, with the assent of the Church, the sentence of excommunication and dethronement against Frederick.⁴ Innocent remained

¹ On this delay, and the universal discontent caused thereby, see Raumer iv. 114 ff. Matth. Paris ann. 1243 p. 602 is worthy of note: *Per idem tempus miserunt Franci solennes nuncios ad curiam Romanam, significantes persuadendo præcise et efficaciter, ut ipsi Cardinales rite eligentes, universali Ecclesie solatium pastorale maturius providerent: vel ipsi Franci propter negligentiam eorum de sibi eligendo et providendo summo Pontifice citra montes, cui obedire tenerentur, quantocius contractarent. Et hoc audacter significabant, confisi de antiquo privilegio suo per s. Clementem b. Dionysio concessio et obtento, qui concessit apostolatam eidem Dionysio super gentem occidentalem.*

² A treaty very humbling to the Emperor was already drawn up by the Commissioners (in Matth. Paris p. 629: among other conditions was this, *subsidium pro isto excessu faciet in militibus vel pecunia, cuicumque dominus Papa christianitatis, quantumcunque et quale viderit expedire etc.*), but there was no mention whatever of the difficult affair of the Lombards, and the Pope gave Frederick occasion to say: *si latenti morbo, videlicet de negotio Lombardorum, medicina non esset opposita, pax omnino procedere non valebat.* (Ex. cod. Vatic. in Raumer iv. 135.) The Emperor did not break the treaty, he only declared, Matth. Paris p. 636: *quod nihil faceret de conventis, nisi literis absolutionis prius habitis.* So Frederick could complain with justice to the Cardinals, whom he invited, after the Pope's flight, to a fresh negotiation (see letters in Martene coll. ampliss. ii., 1137), that the Pope spretto moderamine pacis, quam offerebamus ex animo, imperceptibiliter ad partes profectus sit ultramontanas, utinam non in scandalum generale!

³ In vain he sought to obtain reception in Aragon, France, and England, Matth. Paris p. 655. Anger at this drew from him the characteristic words, *ibid.* p. 660: *Expedit, ut componamus cum Principe vestro, ut hos Regulos conteramus recalitrantes: contrito enim vel pacificato dracone, cito serpentuli conculeabuntur.*

⁴ According to the Romans this is the XIIIth Œcumenical Council, but it is not recognized by the French. The acts are in Matth. Paris

p. 662 ss., and with some additions in Mansi xxiii. 605. The five subjects proposed by the Pope (Matth. Paris p. 664) were: de inhumanis et feraliter Christianitatem vastantibus Tartaris, pro schismate Romaniae i. e. Graecae Ecclesiae, pro serpentine novarum haeresium, de terra sancta, and de Principe i. e. Imperatore. Nevertheless all was thrown into the background to make room for the last head. Thaddæus de Suessa (Albert. Stadens. ann. 1245 fol. 217: Imperator pro se nuncios misit, inter quos erat quidam Thaddæus, doctor legum, qui pro eo elegantissime allegavit, ut plurimorum sibi audientiam conquireret et favorem) came forward and vowed in Frederick's name (Matth. Paris p. 663), ad unitatem Romanæ Ecclesiae totum Romaniae i. e. Graeciae imperium revocare: et quod sese Tartaris, et Chorosminis, et Saracenis, et aliis Ecclesiae hostibus et contentoribus, Christo fideliter militando, potenter opponet: et quod statum terrae discrimini magno et manifesto periculo jam patentem, suis sumptibus propriis personaliter pro posse suo reformabit: et ablata Romanae Ecclesiae restituendo de injuriis satisfacere. The Pope rejected all, giving as his excuse Frederick's habit of breaking his word. The negotiations were unpleasantly interrupted by a strong letter of remonstrance from the Anglican clergy against Papal oppression (ib. p. 666 ss.), but dominus Papa non respondit, quia, ut asseruit, tam arduum negotium morosa indiguit deliberatione. Yet he pronounced sentence of excommunication all the more against Frederick (p. 668 ss., the bull is given entire by Schardius in Petri de Vineis epistoll. ed. 2. i. 51.)—Ut ad praesens de caeteris ejus sceleribus taceamus, quatuor gravissima, quae nulla possunt celari tergiversatione, commisit. *Dejeravit* enim multoties, *pacem* quondam inter Ecclesiam et Imperium reformatam *temere violando*. Perpetravit *sacriligium*, capi faciendo Cardinales etc. venientes ad Concilium.—De *haeresi* quoque non dubiis et levibus, sed difficilibus et evidentibus argumentis suspectus habetur. Then follow copious proofs of these four charges; about his heresy he says as follows: Merito insuper contra eum de haeretica pravitate suspicio est exorta, cum—claves Ecclesiae contemserit—et constanter asseveraverit,—se praefati Gregorii Papae sententias non vereri. Praeterea conjunctus amicitia detestabili Saracenis,—ipsorum ritus amplectitur,—eorundem etiam more uxoribus—eunuchos—non erubuit deputare custodes. Et quod execrabilius est, olim existens in partibus transmarinis, facta compositione quadam—cum Soldano, Machometi nomen in templo Domini diebus ac noctibus publice proclamari permisit. Et nuper nuncios Soldani Babyloniae—fecit—honorifice suscipi et magnifice procurari. (Thus there is not one word said of the accusations of 1239, see § 55, note 23, but only of those of 1229 long since atoned for, see § 55, note 10.) Then sentence of excommunication and dethronement was pronounced in a form as hypocritical as it is arrogant: memoratum Principem—suis ligatum peccatis et abjectum, omnique honore ac dignitate privatum a Domino ostendimus, denunciamus, et nihilominus sententiando privamus. At last, with regard to the complaints of the English, decision was given (Matth. Paris p. 681) “quod postulata ad votum non reportarent.” Irati igitur nimis procuratores memorati, recesserunt cum comminatione, terribiliter jurantes, se nun-

steadfast in this decision, refusing all mediation.⁵ The struggle grew continually fiercer, and was waged on both sides with increasing desperation.⁶ In Sicily the Pope contrived to raise a rebellion at the beginning of the year 1246, which however was

quam tributum Romanæ cupiditati omni sæculo detestabili soluturos, —vel amplius redituum Ecclesiarum—proventus extorqueri non passuros. Veruntamen dominus Papa animo patienti et oculis conniventibus hæc omnia dissimulando pertransiens, tempus rigidius agendi, respirante omni prosperitate, tacitus expectavit.

⁵ Lewis IX., to whom Frederick had entrusted the mediation of peace, (see Pertz iv. 355), during an interview with the Pope, about Easter 1246, at Cluny (for the Pope was not allowed to advance farther into France, Matth. Paris p. 683) wasted on him the most moving arguments (Matth. Paris p. 697): Quod cum dominus Papa erecta et rejecta cervice refutasset, dominus Rex Francorum recessit iratus et indignans, eo quod humilitatem, quam speraverat, in servo servorum Dei minime reperisset.—It happened at the same time, that Frederick even submitted himself to a trial of the soundness of his faith, before the Archbishop of Palermo and several other divines, and sent the result to Lyons. Upon this Innocent, on the 23d of May announced to all believers (Raynald. ad h. a. no. 18 ss.), quod hujusmodi examinatio fuerat per magnæ præsumtionis audaciam—attentata; nec erat præfatis instrumento et literis, cum in eis et bulla ipsa diceretur idem Fridericus Imperator et Rex per quod dictus scriniarius, sic ei favendo, vinculum excommunicationis incurrerat, fides aliquatenus adhibenda.

⁶ Even Frederick now dismissed all thought of peace. When he heard the sentence of Lyons, he said (Matth. Paris p. 679): “In hoc tamen conditio mea melioratur: in aliquo tenebar illi obedire, saltem venerari. Nunc autem ab amore et veneratione, necnon et ab omnimodæ pacis absolvor adversus Papam obligatione.” Ex tunc igitur efficacius et vigilantius, ut dominum Papam gravaret, in thesauris, consanguineis et amicis ejus damna et injurias irrogavit. At that time also he issued a letter to the kings of France and England (ibid. p. 680) full of heavy complaints of sacerdotal pride, of which the excessive bounty of laymen was one cause, and concludes thus: Nec vobis, petimus, videatur, quod per latam in nos sententiam papalem nostræ magnitudinis majestas aliquatenus incurvetur. Habemus enim conscientiae puritatem, ac per consequens, Deum nobiscum, ejus testimonium invocamus. Quia semper fuit nostræ intentio voluntatis, clericos ejusque ordinis ad hoc inducere, et maxime maximos, ut tales perseverarent in fine, quales fuerunt in Ecclesia primitiva, apostolicam vitam ducentes, humilitatem dominicam imitantes. Tales namque clerici solebant Angelos intueri, miraculis coruscare, aegros curare, mortuos suscitare, et sanctitate, non armis, sibi Reges et Principes subjugare. At isti, sæculo delinui, delictis inebriati, Dominum postponunt, quorum ex affluentia divitiarum et opum omnis religio suffocatur. Talibus ergo subtrahere nocentes divitias, quibus damabiliter onerantur.

soon quelled.⁷ In Germany he stirred up Henry Raspe, landgrave of Thuringia, to set himself up as priests' King, in opposition to Frederick (May 1246.)⁸ But the great temporal princes remained true to him, Henry quickly fell before King 'Conrad, and after his death († 17. Febr. 1247), Frederick's

opus est charitatis. Ad hoc vos et omnes Principes una nobiscum, ut cuncta superflua deponentes, modicis rebus contenti, Deo deserviant, debetis diligentiam adhibere. However the age could not bear such doctrine as this. Matth. Paris proceeds, p. 681: de haeresi per idipsum se reddens suspectum, merito omnem, quem hactenus habebat in omni populo igniculum famae propriae prudentiae et sapientiae, impudenter et imprudenter extinxit atque delevit.—Ac per hoc domini Papae conditio meliorata respiravit. This alone troubled the princes, lest after Frederick's overthrow Romana Ecclesia, gratia Dei abutens, in posterum in tantam elationem et intolerabilem superbiam subleraretur, quod Principes catholicos insontes et justos, et praecipue Praelatos, quavis levi causa vel deponeret, vel deponere probrose comminaretur: loquendoque sublimia, gloriandoque dicerent Romani, licet a plebeja stirpe procreati: Nos ipsum—Fredericum conculcavimus, et quis es tu, qui nobis temere credis resistere? *Et ita provocati nobiliores contra eos levabunt calcaneum, Deoque vindice auctoritas Romana poterit deperire.* On Frederick's strong measures to assure himself of the fidelity of his clergy, his taxing them, and his banishment of the mendicant orders, see Raumer iv. 189.

⁷ Compare the Pope's summons to all Sicilians 26. April 1246. (Raynald. ad h. a. no. 11 ss.): universitatem vestram per Dei misericordiam obsecramus, et in remissionem vobis injungimus peccatorum, quatenus nobis et fratribus nostris super afflictione vestra gementibus festinam super eo praebeatis laetitiam, quod damnati hominis abdicato dominio, cui penitus in nullo tenemini, per nos a juramento fidelitatis totaliter absoluti, ad gremium s. Romanae Ecclesiae matris vestrae, cujus estis speciales filii, cessantibus quibuscunque diffugiis redeatis: praesertim cum nos—duos legatos solennes—hujusmodi promotioni negotii duximus deputandos, concessio eis plenae legationis officio etc. New documents on the Pope's proceedings against Sicily are to be found in Höflers Kaiser Frederick II. s. 373. Comp. s. 261.

⁸ Albertus Stadensis fol. 218. Anno 1245:—Qua sententia [Papae] per mundum volante, quidam Principum cum multis aliis reclamabant, dicentes, ad Papam non pertinere, Imperatorem vel instituere vel destituere, sed electum a Principibus coronare. Interea Papa sollicitari fecit Principes, quos ad Imperium regendum credidit idoneos, ut aliquis eorum onus Imperii sumeret et laborem, promittens ei, quicumque Imperium assumeret, consilium et auxilium pariter et favorem. Tandem Heinricus Lantgravius, cognomento Raspe, multis evictus precibus Imperium accepit (the Papal command to the Princes to elect him is in Pertz iv. 361.) Anno Dom. 1246 Henricus Lantgravius Turingiae juxta Herbipolin in Ascensione Domini a Moguntino et Coloniensi et quibusdam Principibus in Regem eligitur, et subito crux contra omnes

ascendancy in Germany was so decisive,⁹ that the Pope could find no one to accept the crown put up by him for public competition, except William, Count of Holland (Oct. 1247), and for him he was obliged to purchase adherence with money.¹⁰

Then died Frederick († 13. Dec. 1250).¹¹ But not the death of the individual, nothing less than the destruction of the whole race, could satisfy Papal vengeance;¹² the war was continued

infideles a Moguntino solenniter prædicatur (the Papal order for this is found in Höfler, s. 374), *et omnis illa Principum et nobilium collectio crucis caractere insignitur*. The Pope charged the Minorites (22. April 1246 in Wadding ann. Minorum ed. 2. iii. 145), quatenus *Christifideles per Teutonium constitutos—tam in occulto, quam in publico inductis, in remissionem ipsis peccaminum injungentes, ut ei, qui electus fuerit, fideliter et efficaciter intendant, ac assistant viriliter et constanter*. First of all the Pope must send money for the war, Matth. Paris p. 704, and as Frederick had blocked up the approach, fecit Papa per Prædicatores et Minores mutato habitu tam scripta consolatoria, quam alia jumenta ad Landegravium transvehi. Idem p. 706. Especially must inexhaustible England again furnish supplies Idem p. 707 ss. 715 ss., but now there began also a like plundering of the German Church (see Raumer iv. 235), and even of the French. St Lewis, about the year 1246, remonstrates with the Pope (see Gravamina Eccl. Gallicanæ, below § 62, note 26,) that his Legates demanded military supplies even from the clergy against the Emperor, and reminded him of the saying of Christ: *si persecuti fuerint vos in unam civitatem, fugite in aliam*. Further: *Magnum et novum subsidium modo petitis a Ecclesiis per fratres minores, qui modo discurrunt per totum Regnum, et intolerabiliter gravant Ecclesias multis modis et diversis*. Some of them had announced to the church of Burgundy: *Præcipimus vobis ex parte domini Papæ septimam partem omnium ecclesiasticorum proventuum vestrorum, alioquin excommunicamus vos*. Et si aliqui contradixerint, privamus eos omnibus beneficiis suis.—In aliquibus etiam Ecclesiis ponebant etiam simili modo quintam. Præcipiunt etiam Episcopis, ut Ecclesiis suarum Dioecesium, tam parochianis quam aliis, imponant certam summam pecunie, quam eis exprimunt, et præcipiunt eis, ut subditos suos compellant per poenam excommunicationis ad solvendam summam illam.

⁹ Raumer iv. 220.

¹⁰ Raumer iv. 243. Höfler s. 250.

¹¹ Consistent even in his death. In his will (found entire in Pertz, iv. 356, he decrees, p. 359: *ut sacrosanctæ Romanæ Ecclesiæ, matri nostræ, restituantur omnia jura sua salvis in omnibus et per omnia jure et honore Imperii, heredum nostrorum, et aliorum fidelium, si ipsa Ecclesia restituat jura Imperii*.

¹² Innocentii ep. ad Suevos in Raynald. 1251 no. 6: *Herode (Frederick II.) sublat'o, qui Christi animam in animalibus fidelium perdere nitebatur, hæreditario jure paternæ tyrannidis principatum alter sibi*

against King Conrad with redoubled energy.¹³ Whilst in Germany the opposition to William undoubtedly lessened withal

vindicat Archelaus (Konrad). Propter quod adhuc matrem oportet Ecclesiam devotorum suorum praeavere periculis, ac dextram protectionis extendere in filiorum praesidium contra eos, qui adversus Dominum et adversus Christum ejus in sua superbia eriguntur. Hinc—universitatem vestram volumus esse certam, quod quondam Friderici, qui olim pro Imperatore se gessit, soboles, nobis ac vobis merito de paternae perfidiae haereditaria imaginatione suspecta, et traductae ab avis et proavis saevae tyrannidis aemulatrix, nunquam ad Romanum regnum vel imperium, aut Sueviae principatum consurget ex permissione sedis apostolicae aut favore. The Pope appears in a yet more contemptible light in the story which Matth. Paris tells, ann. 1252: Cum Innocentius IV. neptes suas fastigiose nimis et sumptuose maritasset, apposuit adhuc, ut suam partem magis roboraret, unam neptem suam Henrico, filio Friderici, nepoti scilicet Regis Angliae (son of Frederick and Isabella, a sister of Henry III.) matrimonialiter copulare, ut idem Henricus fieret quasi filius Papae adoptivus, et sub alis Ecclesiae protectus, et a sententia, qua innodabatur, penitus absolutus, summa pace gratularetur. Quod cum magnates Imperii audirent, maximam conceperunt indignationem, eo quod praesumeret Papa tam nobilem tamque generosum adolescentem ignobilitare.

¹³ Raumer iv. 319. Once again Innocent rouses the mendicant friars. See his letter to the Dominican de Eyka 5. Feb. 1251 (Raynald ad h. a. no. 11.) Praedicationem crucis contra Conradum—suosque fautores, persecutores Ecclesiae, per totum Regnum Alemanniae tibi diximus auctoritate apostolica committendam: exequendi praedicationem hujusmodi per te, vel per alios, quos ad eam idoneos esse cognoveris; largiendi etiam cruce signatis ob causam hujusmodi, et concedendi privilegia et indulgentias, quae cruce signatis in terrae sanctae subsidium transfretantibus conceduntur; nec non remissionem XL. dierum iis, qui ad tuam super hoc praedicationem, vel illorum, quibus eam commiseris, accesserint audiendam; illosque nihilominus censura ecclesiastica compescendi, qui super iis vos forte praesumpserint impedire, concessa vobis auctoritate praesentium plenaria potestate. The Minorite Joannes de Dist 10. Feb. 1251 received a similar charge, in illis partibus Flandriae in quibus esse dicitur in generali usu Teutonicum idioma (Wadding. ann. Minor. iii. 246.) Matth. Paris ann. 1251 p. 826 s. even relates: Dominus Papa—fecit indici praedicationem solennem et communem in partibus Brabantiae et Flandriae, ut fideles Christi castra infidelis Conradi hostiliter impugnant, statuens retributionem mirabilem, scilicet omnium peccatorum remissionem, ampliorem videlicet, quam pro peregrinatione in terram sanctam facienda. Nam si quis contra Conradum signaretur, signatus et signati pater et mater omnium peccatorum suorum veniam consequerentur. Only in France these preachings of the Crusade were not allowed, and Queen Blanch, who held the regency in the absence of Lewis, had even caused the estates of those who took the cross to be

the consideration with which men regarded the feeble kingdom propped up by the Pope alone;¹⁴ Innocent hurried back from Lyons to Italy (1251),¹⁵ in order to win Sicily. But Conrad also immediately after left distracted Germany to take possession of his ancestral kingdom, which had been maintained for him by his gallant half-brother Manfred.¹⁶ The Pope proffered in vain the Sicilian crown, and at length presented it to the English Prince Edmund (March (1254):¹⁷ until death, which

confiscated, with the words: *Qui Papae militant, de papalibus sustineantur, et eant irreditiuri.*

¹⁴ Especially since William invited the Pope's confirmation of the decrees of his diet held at Frankfort (1. July 1252.) This begins at once (ap. Raynald. ad. h. a. no. 17): *Dignum est, sententias, quae solenniter regio promulgantur oraculo, ut illibatae permaneant, apostolicae firmitatis patrocinio non carere etc.* In July 1253 the Pope decided even on the question of the Austrian succession, in favour of Ottokar of Bohemia and his wife Margaret, and calls himself in the deed (in Würdtwein nova subsidia diplomat. ix. 36) Vicegerent of the true God in this world, and President of the Universal Republic, quite in the spirit of Gerhohus (see above § 54 note 1.) How disorders of all kinds had gained ground in Germany see Schlosser III. ii. ii. 142. At that time sang Master Sigebert (v. d. Hagens Minnesinger ii. 361):

Des Keisers wal stuont gar schône,
Dô sin Künige pflügen ê (vordem):
Nu pflegent sin welhische Pfaffen,
Die vervendern (verkaufen) segen unt den touf.—
Als der Tocken spilt der Walch (Wälsche) mit tiutschen vürsten:
Er sezzet si ûf, er sezzet si abe:
Nâch der habe (je nachdem sie etwas haben)
Wirfet er si hin unt her, als einen bal.

¹⁵ Characteristic of the morals of the Papal court at this time are the following words from the parting address of Cardinal Hugo to the inhabitants of Lyons in Matth. Paris p. 819: *Amici, magnam fecimus, postquam in hanc urbem venimus, utilitatem et elemosynam. Quando enim primo huc venimus, tria vel quatuor prostibula invenimus. Sed nunc recedentes unum solum relinquimus. Verum ipsum durat continuatum ab orientali porta civitatis usque ad occidentalem.*

¹⁶ Raumer iv. 327.

¹⁷ He first offered it to Richard Duke of Cornwall 1252 (Matth. Paris p. 856, 861, the Bull is in Rymer's *fœdera* ed Clarke i. i. 284), he however made conditions with the Pope, and at last declared (Matth. Paris p. 892: *idem est, ac si quis diceret: vendo vel do tibi lunam, ascende et apprehende eam.* Then to Charles Count of Anjou (Rayn. 1253 no. 2 ss.) At last (Matth. Paris 1254 p. 892) the Pope betook himself to Henry III. King of England, ut simplicitatem ejus circum-

so often came to the advantage of the Popes, carried away Conrad also (21. May 1254).¹⁸ When the Pope engaged to respect the rights of Conradino, then but two years old,¹⁹ Manfred, as his guardian, put himself under his protection (Sept. 1254),²⁰ and Innocent took possession of the kingdom. However it was soon discovered that the Pope entertained other designs:²¹ and now Manfred

veniret, quoniam sciebat semper ad damna propria pronum et credulum, obtulit et concessit ei regnum Siciliae et Apuliae. Rex autem de promisso papali umbratili adeo exhilaratus est, et adeo dilatatum est cor suum inani gaudio, quod voce, gestu et risu exultationem protestans, filium suum Edmundum Regem Siciliae palam vocaret, credens pro facto se jam de ipso regno subarratum.—Rex igitur quicquid de thesauro suo, quicquid de seaccario (Exchequer) quicquid mutuo potuit a fratre suo Comite Richardo recipere, quidque poterat a Judaeis abraderere, quicquid de rapinis Justiciariorum itinerantium valuit extorquere, misit Papae, ut Conradum impugnaret, et omnes suos Siculos et Apulos expugnaret.—With this the Pope hired troops, et copiose sterlingos distribuit, et cum defecissent, significavit Regi, quod defuit illi pecunia. Rex autem instinctu diaboli et avaritiae, rescribens Papae, mittebat ei literas patentes obligatorias, regio sigillo consignatas, ut sufficienter, imo abundanter mutuo caperet a mercatoribus Italicis.—Papa autem his omnibus consentiens, hoc mandatum acceptavit: si bene fecerit, judicet Judex omnium judiciorum Dominus, cui cura est de omnibus, non autem meum est, facta papalia judicare. The deed of gift to Edmund, dated 6. March 1254, is in Rymer-Clarke i. i. 297. Next ibid. p. 301, follows a charge to the English bishops, quatenus ad requisitionem Regis—recipiatis—pecuniam mutuo, quantumcumque poteritis invenire; Ecclesias ipsas universas et singulas—obligantes.

¹⁸ Raumer iv. 347.

¹⁹ Innocent universis Christi fidelibus (Raynald. 1254 no. 46): nos circa carissimum in Christo filium nostrum Conradum Regem Hierosolymitanum, illustrem Ducem Sueviae,—apostolicae benevolentiae gratiam effundentes,—regnum Hierosolymitanum, et ducatum Sueviae, et alia jura sua, ubicunque illa, sive in regno Siciliae, sive alibi habeat, integra et illaesa sibi—volumus conservare: et permitimus, quod universi de ipso regno Siciliae in serie juramenti fidelitatis, quod nobis et Ecclesiae Romanae praestabunt, possint adicere: *Conradi pueri jure salvo*.

²⁰ Innocent invested him, dd. 27. Sept. 1254 (Raynaldus ad h. a. no. 57 ss.) with the dukedom of Tarento and several earldoms, and indeed ita quod—tu et iidem haeredes immediate a Romana Ecclesia, nullum alium praeter ipsam recognoscendo in iis superiorem vel dominum, teneatis perpetuo: and named him (ib. no. 60) Governor of the Land on this side the Strait, ita quod vicariam hujusmodi immediate ab apostolica sede recognoscas et teneas.

²¹ Notwithstanding his acknowledgment of Conradin's right (note 19) and the surrender to Manfred (note 20), he had confirmed the grant to

stepped forth again into the lists in behalf of the rights of the Hohenstaufen. Apulia was quickly conquered by him; and Innocent only escaped by death from another war († 13. Dec. 1254.)²²

Whilst the energies of the western world were engaged separately with the Mongols, the Latin Empire at Constantinople, and the Papal warfares, and its enthusiasm for Palestine cooling; the kingdom of Jerusalem received little aid from this quarter, when it was hard pressed again by the Chowaesmier in the service of the Sultan of Egypt, who soon conquered the principal part of it, together with the capital city (1247.) Only the pious Louis IX. took the Cross (1248, Sixth Crusade.)²³ He thought

the English Prince Edmund 9. Jun. 1254 (Rymer-Clarke i. i. 304), and wished at last to take possession of the kingdom in person. Raumer iv. 359.

²² The opinion of the age on this Pope expresses itself in the dream of a Cardinal, which Matthew Paris, p. 897, relates. The Church accuses the Pope before the throne of the Godhead: *Accuso eum super tribus. Primo cum in terris Ecclesiam fundasset, libertatibus eam donasti, quae a te ipso processerunt: hic vero eam reddidit ancillam vilissimam. Secundo fundata est Ecclesia salus peccatorum, ut scilicet lucrifaceret animos miserorum: hic vero fecit eam mensam nummulariorum. Tertio fundata est Ecclesia in fidei firmitate, justitia et veritate: hic vero fidem et mores fecit vacillare, justitiam sustulit, veritatem obumbravit: justum ergo judicium redde mihi.*

²³ Wilken vii. 15. Even now there are scattered voices of the Troubadours. Lanfranc Cigala (Millot ii. 158, comp. Diez Leben u. Werke der Troubadours, Zwickau 1829, s. 569) warmly encourages men to take the Cross. *Je ne regarde point comme chevalier, quiconque ne va de bon coeur et de tout son pouvoir au secours de Dieu, qui en a si grand besoin.*—Croyezvous, méchants barons, qu'il convienne, *que Dieu vous aide, et qui vous ne l'aidiez pas?* On the other hand, Sordel excuses himself to Charles of Anjou (l. c. p. 98): *Seigneur comte, vous ne devez point exiger, que j'aïlle chercher la mort.*—Par la mer tout le monde gagne son salut. Mais moi je ne suis point pressé de me sauver: je veux arriver le plus tard qu'il sera possible à la vie éternelle: ainsi je ne m'embarquerai de ma vie. A few years later is the Sirvente of the Templar (original in Raynouard iv. 131, Diez s. 588), where it is written: God has sworn and assured us, that no one who believes on Jesus Christ, shall remain there. Still further, He will make of the minister of S. Mary (the Templars' church in Jerusalem) a mosque (*basomairia*); and if this is pleasing to His Son, who might be expected to be grieved at it, so should it also be pleasing to us. So he is foolish who fights with the Turks, when Jesus Christ is not against them.—God who used to wake, sleeps now, yet Mahomet (*Basomet*) works with all his might, and lets Melicadeser work (probably this is Malek al Kamel, Sultan of Egypt, Malek al Adel's son.) The Pope

to conquer Palestine in Egypt, he even took Damietta (1249), but on his further advance was taken prisoner (1250), and returned (1254) with a small remnant of his army to France.²⁴

§ 57.

ALEXANDER IV. (23. DEC. 1254—23. MAY 1261.) URBAN IV. (29. AUG. 1261—2. OCT. 1264.) CLEMENT IV. (5. FEB. 1265—29. NOV. 1268.)

Sources: Jamsilla and Malaspina (see at the head of § 56.) Raumer iv. 376.

Alexander IV.¹ although he almost exhausted England,² could not hinder Manfred, who was chiefly supported by his brave and richly endows the Arelatese and French with indulgences, in their war against the Germans. But here with us the Legates show great avarice; for our crosses give way to Tourneser-creuzers (a coin), and whosoever will, exchanges his pilgrimage for the war in Lombardy; therefore I tell you in good earnest, they are selling God and His Pardon for money.

²⁴ Schlosser III. ii. 1, 167. Raumer iv. 282.

¹ According to Matth. Paris, p. 897: Vir, ut ajunt, satis benignus et bene religiosus, assiduus in orationibus, in abstinentia strenuus; sed sibilis adulantium seducibilis, et pravis avarorum suggestionibus inclinativus.—Scripsit autem in principio creationis suae cunctis Ecclesiarum Praelatis, postulans humiliter, ut orarent pro ipso, ut Dominus daret ei potestatem, gratiam et voluntatem, Ecclesiam Dei congrue gubernare, et vicarius Dei et Petri successor competenter appellari. In quo facto novo (alii enim ejus successores nil tale fecerunt) multorum corda in spem erexit meliorem. Veruntamen a collateralibus fratribus suis decipi cito se permisit ejus simplicitas.

² Alexander confirmed the grant of his predecessor to Edmund, upon hard conditions (the Bull, dated 9. Apr. 1255, is in Rymer. ed. Clarke I. i. 316.) Two thousand ounces of good and pure gold were to be paid annually as quit rent. King Henry was to pay all the expenses of the Church, incurred hitherto in the matter of Sicily, which were estimated at 135,541 pounds sterling, and besides 20,000 pounds sterling of his royal bounty to the Pope and Cardinals: ac insuper de damnis, expensis et interesse, ac aliis, quae hac occasione intervenient, plenam satisfactionem impendat. Lastly, within a year's time he was to send a general with an army sufficient to conquer the land. Now began new extortions. Vast sums were taken up in the name of English prelates with Italian bankers (Mat. Paris p. 910.) Master Rustandus legista appeared as Papal Legate. He preached a crusade against Manfred, and sought for money. Thus he closed a sermon with the words: Estote filii obedientiae, obligamini tali et tali mercatori in tanta pecuniae quantitate (ib. p. 914), and so forth.

faithful Saracens, from subduing the whole kingdom of Sicily, and afterwards ascending the throne in person (1258).³ The Pope's Ban had so little effect in Sicily, that the new King even overran the States of the Church (1259), and now that the English resources were exhausted,⁴ compelled the Pope to make proposals for peace (1260).⁵ Manfred was obliged to refuse these as extravagant, and immediately after gained the ascendancy in Tuscany also.

Alexander was more fortunate in Germany, which fell a prey to him because of its internal dissensions. After King William's death († 1256), the choice, from which Papal fear and vengeance excluded the young Conrad from the first,⁶ was undecided betwixt

³ He opened his mind on this point in the following manner, to an embassy sent by Conradin's mother (see the contemporary Matthæi Spinelli ephemerides Neapol. in Muratori scriptt. rer. It. vii. 1088): *Regnum orphano isti perditum fuisse, se autem illud manu armata vindicasse a potestate duorum Pontificum,—Papam vero et regnicolas nullo modo consensuros unquam, ut dominarentur Teutonici; se tamen aliud non praetendere, quam ut sibi relinquatur Regnum ad vitam, morte sua rediturum ad Conradinum; Regnam porro recte facturam, mittendo filium educandum istic, et moribus Italicis imbuendum, habendumque a Rege filii loco.*

⁴ On the troubles caused in England since the year 1258 by the pressure for money, see Schlosser III. ii. ii. 288.

⁵ Matth. Spinellus l. c. p. 1096: The proposal was, quod Papa vellet in pacis conditionem adduci, ut Rex Manfredus bona erepta Regno egressis redderet, et a Regno expelleret Saracenos. Rex autem Manfredus respondit, quod duplo plures accersere vellet: itaque fecit.

⁶ Alex. epist. ad Archiep. Maguntin. dd. V. Kal. Aug. 1256 (ap. Raynald. ad h. a. no. 3 ss. Leibnitii cod. jur. gent. diplom. Prodr. p. 10 ss.)—Nam in hoc pravo genere patrum in filios cum sanguine derivata malitia, sicut cernis propagatione, sic imitatione operum nati genitoribus successerunt. Ex quo liquido perpendi potest et conjici, si ex ipso aliquae potestatis reliquiae remanserunt, quid sperandum sit in futurum de illis, quid in posterum exspectandum: vita namque ac gesta praedecessorum perversa iniquitatem praenuntiant successoris, nec horribilis et scelesti illorum memoria quicquam boni de ipsorum posteritate credere vel sperare permittit: de colubro quidem egreditur regulus, et arbor mala noxios fructus profert etc.—Ideoque fraternitatem tuam monemus, rogamus, et hortamur attente, ac per apostolica tibi scripta in virtute obedientiae sub debito fidelitatis, quo nobis et Eccelsiae Romanae teneris, ac sub poena excommunicationis, quam ex nunc in te proferimus, districto praecipiendo mandamus, quatenus praefatum puerum nullatenus in Regem eligas, nec nomines, neque consentias in eundem etc.

Richard of Cornwall and Alphonso the wise, King of Castile.⁷ The Germans were already accustomed to look for decision from the Pontiff:⁸ Alexander at first prudently delayed, but afterwards inclined to Richard (1259), who had taken possession.⁹

Nevertheless Urban IV. regarded the German question as still undecided,¹⁰ and repeatedly summoned the two candidates

⁷ G. Chr. Gebauers *Leben und denkwürdige Thaten Herrn Richards erwählten röm. Kaisers*, Leipzig 1744. 4. The documents of the Contract between Richard and Conrad, Archbishop of Cologne, on the election of the former, may be seen in F. J. Bodmann *codex epistolaris Rudolphi I. Lips.* 1806. p. 306 ss.

⁸ Richard had to give a written and attested promise to the cities of Frankfurt (Gebauer s. 352), Oppenheim (s. 136), Wesslar (s. 356), and Friedberg (s. 358): *si forte a sanctissimo Patre nostro domino summo Pontifice fuerimus, quod absit, per diffinitivam sententiam reprobati, et alius Rex contra Nos eligatur, qui ad obtentum regni et imperii Romani nobis potior sit in jure, dictusque summus Pontifex prænominatos cives et alios fideles nostros, ad avertendum eos a fidei nostrae cultu per sententiam interdicti et excommunicationis aretaverit, nos ipsos ex tunc a fidelitatis nobis praestito juramento et ab omni promisso—dimittemus.*

⁹ Alex. *epist. ad Ricardum* dd. XI. Kal. Maji 1259 (in Rymer-Clarke I. i. 382. Gebauer s. 156.)—*Considerantes etiam quod semper fuisti Ecclesiarum amator praecipuus etc.—attendentes insuper, quod circa personam tuam inclytam—est ad unctionem et coronationem etiam jam processum; nostrum ad te totaliter direximus animum, firmo intendentes proposito,—tuae promotioni frequenter intendere, atque ad omne bonum tuum impendere opem et operam efficacem. Et ecce dilectum filium, fratrem Walterum de Rogat—ad regimen Alemanniae in favorem tuum duximus specialiter destinandum, universis praedicti Imperii Principibus—tibi adhaerentibus et non adhaerentibus mandantes,—ut adhaerentes constanter in tua fidelitate persistent, et non adhaerentes tibi studeant adhaerere firmiter etc.* The Legate would say more to him; and ut cautius et melius ad optatum perducantur effectum, secretum apud te, nemini revelando, teneas illa; quia, si secus fieret, plurimum negotio deperiret.

¹⁰ The party of the Hohenstaufen family was still strong in Germany. The Pope had heard from the King of Bohemia (see Urban. *epist. ad Reg. Bohem.* dd. iii. Nov. Jun. 1262 in Raynald. ad h. a. no. 5 ss.), qualiter etiam in illis partibus vulgaris rumor insonuit, quod nonnullorum ex praedictis Principibus (ad quos Romani Regis spectat electio) ad hoc tendit intentio, ut videlicet Conradus puer—ad Romani cubnen Imperii sublimetur. Thereupon he renewed the prohibition of his predecessor (see note 6) with regard to the two candidates for the throne, he decided, in a bull addressed to the Cardinals, dd. vii. Id. Aug. 1263 in Raynald. ad h. a. no. 40): *cum tam memoratus Comes, quam praefatus Rex electi fuerint, nos veritatem sequentes, sine alterutrius*

before his throne ; without in the meanwhile pronouncing any decision.¹¹

But Urban's principal aim, for he disdained reconciliation, was the annihilation of Manfred.¹² When England could pay no more he offered the Sicilian crown to Charles, Count of Anjou : although his more upright brother, St Lewis, strongly disapproved of the transaction,¹³ he came to an agreement with him as to

partis praejudicio utrumque ipsorum deerevimus in nostris literis nominandum in Romanorum Regem electum. Alexander's letter (note 9) was easily set aside, *cum sint literae placentia quaedam, ne dicam adulatoria, non diffinitionem aliquam continentes.* In the letter to Richard dd. ii. Kal. Sept. 1263 (the same no. 43 ss.) he writes otherwise : *et licet idem praedecessor tibi favorem circa praerogativam alicujus intitulationis impenderit, non tamen nos decuit facilitate praecipiti sequi hujusmodi processum praedecessoris ejusdem, quem fratrem nostrorum—communis et decisiva collatio non praecessit.*

¹¹ Gebauer s. 213 ff. On this point the Troubadour Bertrand d'Alamanon (Milot i. 397. Original in Raynouard v. 72), thus speaks his mind : *C'est le Pape, qui règne, qui possède l'empire : car il en tire plus de revenu.—que n'en pourroit tirer l'Empereur. Il ne cherche qu'à fomentier les troubles. Ce procès ne sera point jugé. Mais puisque les Rois le veulent terminer avec les armes, qu'ils se mettent chacun en campagne ; que l'un des partis remporte la victoire. Alors les décrétales n'arrêteront plus, et l'on fera bien parler le Pape. Le vainqueur sera appelé fils de Dieu, sera couronné par le clergé. Tel est l'usage des gens d'église, quand ils trouvent un Empereur puissant, de se soumettre humblement à ses ordres, et de l'accabler, quand ils le voient décheoir.*

¹² Sabae Malaspinæ lib. ii. c. 7 (in Murat. viii. 806 s.) After the negotiations with Charles of Anjou were already begun, Urban caused Manfred to be summoned for form's sake ; and he sent ambassadors. But their allegations pro Rege idem summus Pontifex non admisit : quia, dum Ecclesia voluit,—Rex praedictus ipsius Ecclesiae beneplacita parvipendit, nec annuit postulatis. Cum autem postmodum visus est velle sub exquisitis cum omni diligentia pactis sedis ejusdem se subijcere voluntati, ejus humilitatem tunc repudiavit—Ecclesia.—Sicque ipsum Regem,—tanquam jam praescitum ad malum, summus Pontifex excommunicationis vinculo innodavit.

¹³ Compare Urban's letter to his Legate in France, Magister Albertus (ap. Raynald. ann. 1262, no. 21) : *Tuas nuper recepinus literas inter caetera continentes, quod clarissimus in Christo filius noster Rex Francorum illustris, verbis proculdubio subdolis aliquorum, intendendum, ipsum avertere a negotio, ad quod cum ipso tractandum te misimus, aures credulitatis inclinans : et eorundem fingentium, Conradinum,—vel si dictus Conradinus, ut eorum verbis utamur, a suo jure cecidit, nobilem virum Edmundum—per concessionem sedis apostolicae in regno Siciliae jus habere, suggestionibus informatus—dubitat,*

conditions,¹⁴ and declared Edmund's claim forfeited.¹⁵ However, Manfred came forth to meet his new antagonist : and the greatest

nec immerito, si veritas praemissis addresset, non sine multorum, ut asserit, scandalo jus invadere alienum.—Verum illam debet idem Francorum Rex de nobis et fratribus nostris cepisse fiduciam,—quod ipsum tanquam praedilectum, et Romanæ Ecclesiae filium—ea dilectionis singularitate prosequimur, quod nec personam aut terram periculis ingerere, nec famam scandalo aut detractiōi subicere, nec animam suam, cujus nobis licet immeritis curam novimus esse commissam, salutis vellemus discrimini subjacere : quodque nos et fratres ipsi sic nostras intendimus conscientias divinae majestatis virtute praeambula mundas Domino conservare,—quod in praedictorum Conradini et Edmundi, vel alterius cujusdam praejudicium cum conscientiarum scrupulo [et] divini offensa numinis nullo modo aliquid faceremus. However, Lewis' aversion to the cause continued, see below, note 18.

¹⁴ The first outline of the Papal conditions, 23. March 1262, is in Muratorii antiquitt. Ital. med. ævi vi. 105, a second dated 17. Jun. 1263, in Martene et Durand thesaur. nov. anecdotorum ii. 9. On the other hand, on 28. Jul. 1263, the Pope promised the count tithes of all ecclesiastical revenues in France and the kingdom of Arles : farther still, faciamus verbum crucis proponi contra Manfredum—et Saracenos Luceriae per omnes terras,—in quibus verbum hujusmodi poterit secure proponi : illamque indulgentiam, ac illa privilegia et illas immunitates his, qui contra Manfredum et Saracenos praedictos signum crucis assumerint, largiamur, quae transfretantibus in terrae sanctae subventionem in generali concilio sunt concessa. Denique etiam dicto Comiti omnes redemptiones votorum personarum illarum, quae signum crucis in subsidium dicti negotii duxerint assumendum, et redimere voluerint hujusmodi vota sua. At last he offers the protection of the Church for Charles' lands, and so forth. In Jan. 1264 the Pope consented to some modifications of the treaty at the request of Charles : see the three letters ad Albertum sedis apost. notarium in Martene l. c. p. 33 ss.

¹⁵ Urbani epist. ad Henr. Regem et nobilem virum Eadmundum dd. 28. Jul. 1263 (in Rymer-Clarke I. i. 428) :—Quia ergo liberum est nobis et ipsi Ecclesiae, de praedicta regno Siciliae disponere,—cum conditiones, sub quibus regnum ipsum a praefato praedecessore concessum extitit, adimpletae non fuerint, sicut nostis ; nos—magnificentiam vestram—rogandam duximus attentius et hortandam, in remissionem vobis peccaminum nihilominus injungentes, quatenus—nullum deinceps nobis et ipsi Ecclesiae super hujusmodi dicti regni negotio ingerati-impedimentum, nullumque contradictionis obstaculum opponatis ; sed —et verbis ostendatis et literis, quod vobis non displicet, immo placet, si dicta Ecclesia super ipsius regni negotio tractet cum aliquibus mundi Principibus, suamque possit de ipso regno conditionem facere meliorem : preces super hoc apostolicas taliter impleturi, quod Regem Regum constitutis exinde vobis propitium et benignum, et praedictam Romanam Ecclesiam reddatis propter hoc vobis perpetuis temporibus in vestris opportunitatibus favorem adjuvancem.

part of the estates of the Church was in the King's power,¹⁶ when the Pope died († 2. Oct. 1264.)

Clement IV. at last reapt the sweet as well as the bitter fruits, which his predecessors had sown. Charles arrived at Rome (in May 1265),¹⁷ but without money.¹⁸ The Papal Bull for a

¹⁶ See Urban's account in his epistle to Cardinal Simon, Legate in France, Martene thes. ii. 82. His call for help addressed ad universos fideles is in Raynald 1264, no. 16. Raumer iv. 484.

¹⁷ As early as 26. Feb., Clement issued two Bulls (d'Achery spicilegium iii. 648.) The one deprives Edmund once more of all claim for Sicily, and shows in a legal argument that there had never been any collation or concession of the kingdom itself, made either to Edmund or his Father, by the Apostolic See, or by its mandate or authority (the obsequious Henry, as early as June 1265, sent ambassadors to the Pope with full power to renounce his claim on the kingdom of Sicily. See Rymer-Clarke, p. 457.) The other Bull solemnly hands over the kingdom to Charles of Anjou, on the conditions already agreed on. About these last a new act was executed at the time of Charles's investiture, 29. May 1265 (in Raynald ad h. a. no. 13 ss.), which received the Papal assent in a Bull dated 4. Nov. (in Martene thesaur. ii. 220 ss.) Accordingly Charles was crowned in Rome by five cardinals on the 6th of January 1266. By the terms of this last definitive treaty Charles was required to pay a yearly quit-rent of 8000 ounces of gold, quolibet triennio unum palafidum album, pulcrum et bonum in recognitionem veri domini eorundem regni et terrae, and immediately after taking possession of the kingdom 50,000 ounces of gold. If the terms were not kept, first the excommunication of the King, then an interdict of the whole country, were to follow. For this Charles held the whole kingdom in its former extent, only with the exception of Benevento. When the Pope required it, the King was to send him 300 knights in aid.

¹⁸ In this the Pope had many arbitrary acts of Charles to complain of, comp. Clementis epist. ix. xiii. lxxii. (Martene thes. ii. 105, 107, 141.) But all his letters at this time remark on Charles's necessity and want of money, for instance epist. cxvi. ad Carolum (l. c. p. 173): *Thesaurus apud nos nullus latet, nec nos eum multiplicare proponimus illis modis, quibus multi homines vellunt. Vide partes orbis concussas, et scire poteris causas inopiae. Anglia adversatur, Almannia vix obedit, Francia gemit et queritur, Hispania sibi non sufficit, Italia non subvenit, sed emungit: et unde potest Romanus Pontifex, si Deum timet vel revereatur homines, sibi vel aliis in militia vel pecunia subvenire?—Ceterum scripsit nobis secretissime legatus Franciae—motum contra te carissimi in Christo filii nostri illustris Regis Franciae fratris tui. Tu ergo—da operam totis viribus ad pacandum ipsius animum etc. Epist. cxx. ad Simonem Cardin. Legate in France, p. 179: If the money rising from the tithe of ecclesiastical revenue to be collected in France be not soon sent to the King, Regem oportet vel fame deficere vel*

Crusade¹⁹ had collected an army in Provence, which now marched through Northern Italy; but it marked its track by devastations of every kind. The Pope's friendship for Charles was already much cooled,²⁰ when he gained the victory over the noble Manfred

aufugere;—Rex deficit, perit negotium, et nos cum eo cadimus quoad illud etc. Epist. cxxxii. ad Regem Siciliae, p. 186: Tuis nunciis saepe diximus, et per literas tibi saepius intimavimus, quod tuis, ut vellemus, subvenire defectibus non valemus, et quotiens replicatur: cadit ergo negotium, si non facitis; nos subungere cogimur: cadet Ecclesia, si quod postulatur implemus. Epist. clxv. ad Simonem Cardin. p. 214:—[Rex] suum et suorum vestitum et victum in sudore vultus sui mendicat, in manus respiciens creditorum, qui sanguinem ejus ebibunt, quod non valet duos denarios solido vendentes eidem etc.

¹⁹ Addressed to the Cardinal Legate Simon in Martene thesaur. ii. 196 ss., and the same with a few alterations ad Archiepiscopos Bituricens. Narbon. Senon. et Rothomagens. et Priorem Praedicatorum et Ministrum Minorum Fratrum, Provinciales Franciae et Decanum Rhemensem dd. iv. Non. Nov. (According to Raynald 1265 no. 26. iv. Non. Sept.) in Wadding ann. Minorum iv. 242. It begins: De venenoso genere, velut de radice colubri, virulenta progenies Manfredus, quondam princeps Tarantinus, egressus, ab incaute aetate paternis se conformans nequitii, niscus est quantum potuit paternam saevitiam superare. Qui sicut impius in pessimis rebus exultans, gloriatus est esse ac dici Ecclesiae persecutor, ad depressionem orthodoxae fidei, enervationem juris ecclesiastici, et jugem turbationem Italiae, prout patet, per opera damnabilia progenitoris imitatione suspirans etc. To those who should take the Cross and in propriis personis et expensis accesserint, plenam suorum peccaminum veniam indulgemus, et in retributione justorum salutis aeternae pollicemur augmentum. Eis autem qui non in propriis personis hoc fecerint, sed in suis dumtaxat expensis—viros idoneos destinaverint, et illis similiter, qui licet in alienis expensis, in propriis tamen personis accesserint, et eis qui quartam seu majorem partem proventuum—de redditibus suis pro hujusmodi negotio collectoribus ad hoc deputatis—erogaverint, plenam suorum concedimus veniam peccatorum. At the end it runs, according to Martene: Et ut fideles Christi libentius et ferventius currant ad verbum Domini audiendum, omnibus vere poenitentibus et confessis, qui ad tuam et illorum, quibus id commiseris, solennem praedicationem accesserint—x. vel xx. seu xxx. vel xl. dierum indulgentiam—largiaris, prout videris expedire. On the other hand, according to Wadding: Cacterum vos—rectores Ecclesiarum—moneatis diligenter, et efficaciter inducat is eos ad id, si necesse fuerit per censuram ecclesiasticam compellendo, ut ipsi cum parochianis suis ad audiendum verbum Crucis devote ac reverenter accedant etc.

²⁰ It is worthy of note that Urban, even on 2. Feb. 1266, caused Manfred to be summoned to clear himself of the suspicion of heresy: accordingly Manfred sent two proctors: Urban writes thereupon to a cardinal epist. 232, dd. 21. Febr. (in Martene thes. ii. 279): de Man-

at Benevento by treachery (26. Febr. 1266), and took possession of the kingdom. It was yet more so when the avaricious and heartless Charles not only immediately alienated the minds of his new subjects by extortion and cruelty,²¹ but also paid slight attention to the treaty concluded with the Pope.²²

Nevertheless his hatred of the Hohenstaufen outweighed this dislike. Though Clement also did not venture to decide with regard to the disputed Imperial election in Germany,²³ still he trembled at the possibility of its being settled by a fresh election of Conradin.²⁴ When this youth²⁵ appeared in Italy (Oct. 1267)

fredo coeperunt aliqui (Cardinales) dubitare, an scilicet ex eo, quod multo tempore claves Ecclesiae contemserit, orta sit illa suspicio (haereseos), de qua concilium loquitur generale. Unde variis variis sententibus—tuum consilium expectamus:—an scilicet excusari possit Manfredi absentia personalis propter hostem in januis constitutum.—Item si petierit ad se mitti cardinales, vel alios, coram quibus purgare se debebat, an sit ei haec gratia facienda. Item an ex his, quae acta sunt contra ipsum,—possit amodo condemnari. Item an expediat, etiamsi liceret, et si licet et expediat, qualis sententia sit preferenda.

²¹ On the cruelties at Benevento after the battle, see Clement's epistle 262. ad Carolum (Martene l. c. p. 306.) Raumer iv. 536. On Charles' merciless system of government see the same, s. 554 ff. Schlosser III. ii. ii. 50. Among the Pope's letters of advice to him, see especially epist. 380. 22. Sept. 1266 (in Martene p. 406):—*inhumanus diceris, et ad nullum afficeris, prout dicitur, amicitia.—Addimus juxta famam communem, quod homines regni tui etiam videre contemnis, et justitiam procrastinas;—quibus si nec visibilis fueris, nec adibilis, si nec affabilis, nec amabilis, et eisdem volueris principari, profecto in manu gladium et in dorso lorica, et a latere praeparatum exercitum habere te jugiter oportebit.—Nunc ad tuos digredimur, illos scilicet, qui vel tuo assistant lateri, vel ad terrarum tuarum regimen destinantur: et de istis communiter dicitur, quod tibi subtrahunt, et tuis auferunt, quidquid possunt.—Quodsi rapina hujusmodi excusabilis esse posset, hoc solum videtur ad excusationem prodesse, quod tu fures videris facere, quibus non reddit debita, nec assignata certa stipendia etc.*

²² Raumer iv. 560 ff.

²³ Gebauer Leben Richards s. 226 ff.

²⁴ Clem. epist. 278 to his English Legate on 8. May 1266 (in Martene p. 319): *expedit molis omnibus Imperii negotium terminari, cum multi laborent ad Conradinum praeficiendum eidem, quod quantum posset esse discriminis, ipse vides. Thence the prohibition imposed on the Archbishop of Mayence 18. Sept. 1266 in Schannat vindemiae litterariae coll. l. p. 207 ss. To this time also undoubtedly belongs the epistle of Clement to the Electoral Princes, (bearing the false date 1254), brought to light by Bodmann Codex. Epist. Rudolphi i. p. 305: Intel-*

to rescue his father's dominion from the tyrant, almost every one went forth to meet him in triumph as their liberator. The Pope received him with anathema.²⁶ And now the time was come for the lofty race of the Hohenstaufen to fall. The Battle at Tagliacozzo (23. Aug. 1268) declared against Conradin, and the last sprout of the noble Imperial House fell by the hand of the executioner (29. Oct. 1268.)²⁷ Thus Clement beheld, shortly before his death, the accomplishment of an aim long pursued by the Papal see. On the other hand he had received in Charles a feudal tenant, whose still increasing tyranny admitted no hope of his continuing in undisturbed possession of the kingdom of Sicily.²⁸

While the Popes abused the preaching of Crusades to their own advantage against the Hohenstaufen, the Latin Empire at Constantinople came to an end, upon the capture of this city by Michael Palæologus (1261.)²⁹ Bibars, Sultan of Egypt, was advancing in Syria; and when Antioch also was fallen (1268), the Christian dominions were almost confined to Acre alone.³⁰

leximus, quosdam filios iniquitatum super eo linguas instruxisse mendaces, quod nos, exclusis ab imperatoria dignitate Principibus ad præsens litigantibus super ea, intendebamus de persona nostra juxta nostrum beneplacitum Imperio providere, jure, quod vobis super hoc competit, enervato. Talis quippe relatio non rationis fundamentum habuit, sed a nequitiae fermento traxit originem. Indecens enim esset, quod inde sequerentur injuriæ, unde jura nascuntur etc.

²⁵ About him consult W. Jägers *Gesch. Conrads II. Kg. beider Sicilien u. Herz. in Schwaben.* Nürnberg. 1787. 8.

²⁶ Clem. epist. 450 ad Florentinenses dd. 10. April. 1267 (in Martene p. 456): De radice colubri venenosus egressus regulus suis jam inficit flatibus partes Tusciae: viperarum genimina, viros utique pestilentes, et tam nostros quam *vacantis* Imperii, necnon—Siciliae Regis inelyti proditores—ad diversas destinat civitates etc. The deed of excommunication in Raynald ann. 1268. no. 4 ss. according to Clem. epist. 559, in Martene p. 544, was issued on the octave of S. Martin. 19. Nov. 1267.

²⁷ Raumer iv. 594. Schlosser III. ii. ii. 59.

²⁸ See fresh warnings from the Pope in Raynald. 1268, no. 36.

²⁹ Schlosser III. ii. i. 114. How the claims of the banished Emperor, Baldwin II. gradually passed to the House of Anjou, and then to France, see the same s. 120 ff.

³⁰ Marini Sanuti, *Patricii Veneti, liber secretorum fidelium Crucis* (lib. iii. written 1306 in Bongarsii *gesta Dei per Francos* T. ii.) lib. iii. Pars xii. c. 7—9. Schlosser III. ii. i. 343. Wilken vii. 514.

§ 58.

GREGORY X. (1. SEPT. 1271—10. JAN. 1276.) INNOCENT V. (21 JAN.—22 JUN.) HADRIAN V. (12. JUL.—18. AUG.) JOHN XXI. (13. SEP. 1276—MAY 1277.) NICOLAS III. 25. NOV. 1277—23 AUG. 1280. MARTIN IV. (22. FEB. 1231—29. MARCH 1235.) HONORIUS IV. (2. APR. 1285.—3. APR. 1287.) NICOLAS IV. (22. FEB. 1288—4. APR. 1292) CELESTINE V. (5. JUL. 1294—13. DEC. 1294.)

While the Papal election was delayed by the disunion of the Cardinals, the conquest of Antioch kindled once more the last spark of enthusiasm for the Holy Land. Lewis IX. proceeded in company with Edward, the heir to the English crown, against Tunis (1270), and there met his death.¹ Edward turned thence to Ptolemais, but he could do no more than delay the complete loss of all the Christian dominions in Palestine.²

The new Pope, Gregory X., was chosen from his suite: He departed from Ptolemais with the firm intention of sending effectual aid to the Holy Land,³ and (1274) held a general council at Lyons with this especial view. However, the enthusiasm was grown cold.⁴ The whole result was unsatisfactory. In like manner

¹ Schlosser III. ii. ii. 360. Wilken vii. 537. Comp. the anger breathing elegy of the Troubadour Austore d'Orlac in Raynouard v. 54, in French in Michaud hist. des croisades 5ème édit. iv. 547. The tenor of it Millot gives ii. 430: Il pleure la mort du Roi s. Louis, si ardent à servir Dieu; il maudit les croisades, et le clergé promoteur de la guerre sainte; il maudit Dieu même, qui pouvoit la rendre heureuse; il voudroit, que les Chrétiens se fissent Mahométans, puisque Dieu est pour les infidèles; il oppose la voie droite, que tenoit s. Pierre, aux mauvaises ruses, que pratique le Pape; il invective contre le Pape et les prêtres, qui font tout pour de l'argent; enfin il voudroit, que l'Empereur se croisât avec les François pour combattre le clergé, qui a fait périr la chevalerie, et qui ne songe qu'à dormir.

² Marinus Sanutus lib. iii. p. xii. c. xi. 12.

³ He left it with the words Ps. cxxxvii. 5, 6: Si oblitus fuero tui, Jerusalem, oblivioni detur dextera mea: adhaereat lingua mea faucibus meis, si non meminero tui: si non proposuero Jerusalem in principio laetitiae meae (Marin. Sanut. l. c. cap. 13.)

⁴ Compare especially the book drawn up at the request of Gregory X. by the General of the Dominicans, Humbertus de Romanis, as a preparation for the Council de his quae tractanda videbantur in concil. gener. Lugdun. (Extracts from it were first edited by Mausii xxiv. 109. From comparison of this, it is plain that this Book is the same

opusculum tripartitum, which was printed long ago, but without being recognized in the collection of Councils by Crabbe ii. 967, left out in the next collection of Councils, and on this account received into Brown's app. ad. fascic. rerum expetendarum et fugiendarum p. 185.) Part 1. treats of the Crusades, and confutes from cap. x. onwards, (in Brown p. 191) septem genera hominum, obloquentium adversus negotium, quod exercet Ecclesia contra Saracenos. For instance cap. xi.: Sunt quidam de istis oblocutoribus, qui dicunt, quod non decet religionem christianam ita effundere sanguinem etiam malorum infidelium. Christus enim non sic fecit, imo *cum pateretur, non comminabatur, et tradebat se judicanti se injuste*, sicut dicit Petrus: nec etiam sic docuit Christus, imo dixit Petro volenti defendere eum: *mitte gladium tuum in vaginam*. The Apostles, Martyrs, and Saints, followed this religion. On the other hand aliter interdum res perducitur in esse, aliter conservatur. Vineam enim, a patrefamilias plantata, per beneficium rosis et pluviae et caloris caelestis ad debitum incrementum perducitur: sed per gladium conservatur, si forte hostes vellent eam extirpare. Item aliter procedit impotens in suis agendis, aliter potens. Impotens enim procedit per humilitatem, potens vero per severitatem. Item omnis artifex operans cum instrumento solet operari per instrumentum quod habet, non per illud quod non habet, et quando deficit ei unum, operatur cum alio quod ei restat. Eisdem modis factum est de Christianitate. Promota est enim per miracula, et Sanctorum passiones, et doctrinam sanctam, et non per potentiam aliquam, ne adscriberetur homini, sed soli divinae virtuti ejus promotio. Sed quae sic promota est, jam promota defendenda est ab hostibus per gladium, cum fuerit necesse. Item in statu suo primitivo nondum Dominus dederat ei terrena dominia, nec ei subjecerat potestates mundi, sicut fecit postea, et ideo tunc operabatur sicut impotens. Postmodum autem procedit sicut potens per potentiam. Ad quid enim dedisset ei providentia Dei potentiam saecularem, si nollet, quod ea uteretur: et sic haberet gladium sine causa, contra verbum Apostoli ad Romanos (Rom. xiii. 4.) Item sicut tunc potentiam non habebat, sed miracula et genera linguarum et Spiritum sanctum omnia docentem, quibus tunc utebatur, ita modo non habet illa, sed habet potentiam. Deficientibus ergo istis, utitur eo quod habet, scilicet potentia, sicut artifex instrumento quod habet.—Item patet hoc idem per ipsum Christum qui dicit: *qui non habet gladium, vendat tunicam suam et emat gladium*. In quo invenitur secundum glossam, quod aliquando utendum sit gladio Christianis.—Quod Dominus dixit Petro: *converte gladium tuum etc.* dictum est Petro pro tempore illo, nondum enim venerat tempus utendi gladio. Item dictum est pro persona. Licet enim Ecclesia habeat gladium, non tamen pertinet usus ejus ad quodlibet membrum Ecclesiae. Sicut ergo in homine non utitur quodlibet membrum ejus, sed solum manus gladio: ita et in corpore Ecclesiae non pertinet uti gladio, nisi ad personam laicam etc. Cap. xii: Alii sunt qui dicunt, quod etsi non esset parcendum sanguini Saraceno, tamen parcendum esset sanguini et morti Christianorum. On the other side finis Christianitatis non est replere mundum sed caelum. Quid ergo curandum est, si Christiani imminuuntur in mundo per mortes,

quas propter Deum sustinent, ex quo per tales mortes vadunt ad caelum, et forte per aliam viam nunquam illuc ituri? Cap. xiii: Alii sunt, qui dicunt, quod quando nostri vadunt ultra mare contra Saracenos, conditio belli multo pejor est ex parte nostra. Nam nos sumus ibi valde pauci in comparatione ad eorum multitudinem. Item sumus in aliena terra, ipsi autem in sua. Item sumus in aëre incon-sueti, ipsi autem in consueti. Item oportet nos ibi uti multoties cibis inconsuetis, ipsi vero consuetis utuntur. Item ipsi sciunt passus periculosos et subterfugia, nos autem non. Item habemus ibi frequenter inopiam rerum, illi vero copiam. Et ideo videtur esse tentatio Dei vel magna infidentia (probably *insipientia*), inire talem conflictum. Cap. xiv.: Alii sunt, qui dicunt, quod etsi debeamus nos defendere a Saracenis, quando nos invadunt: tamen quando dimittunt nos in pace, non videtur, quod deberemus terras eorum vel ipsos invadere. Nec videtur, quod hoc fieri possit sine injuria. Cap. xv.: Alii sunt qui dicunt: si Saracenos debemus de mundo tollere, quare non facimus similiter de Judaeis, et quare similiter non facimus de Saracenis, quos habemus in nostra potestate? Quare non similiter eodem zelo persequimur idololatrias aliquos, qui sunt adhuc in mundo? Quare etiam non idem facimus de Tartaris et hujusmodi barbaris nationibus, qui omnes sunt infideles? Cap. xvi: Alii dicunt, quae utilitas est in ista impugnatione Saracenorum? Per hoc enim non provocantur ad conversionem, sed potius provocantur contra fidem christianam. Item quando vincimus et eos occidimus, mittimus eos ad infernum, quod videtur esse contra caritatem. Item quando obtinemus terras eorum, non habemus qui populent eas et excolant, quia nostrates nolunt in illis partibus remanere: et ita non videtur esse fructus neque spiritualis, neque corporalis, neque temporalis de ista impugnatione. In answer to this there is asserted 1. triplex fructus spiritualis, scilicet honor Dei, salus Christianorum (e.g., fideles in pugna ista accumulunt sibi merita bonorum operum, et indulgentias sibi acquirunt, per quas absolvuntur a peccatis), Ecclesiae dilatatio quoad cultum divinum. Then also ii. a triplex fructus corporalis, and iii. a triplex fructus temporalis is demonstrated. Ad illud autem quod dictum est in contrarium de conversione Saracenorum, dicendum est, quod etsi impugnatio eorum non valeat quoad hujusmodi fructum directe, tamen valet quoad alios fructus spirituales praedictos, et ad illum etiam indirecte. Per flagella, sicut et per infirmitates, interdum erudiuntur homines, et ad cognitionem sui majorem compelluntur venire. Unde possibile est, quod Saraceni, si bene conquassarentur, non tantum in suo Mahumeto confiderent. Ad illud de mittendo eos ad infernum dicendum est, quod Christiani non intendunt hoc, sed facere de eis, quod justum est, sicut iudex de latrone. Ipsi videant quo vadunt, quando de hoc saeculo decedunt. Cap. xvii.: Alii dicunt, quod non videtur esse voluntas Dei, quod Christiani sic procedant contra Saracenos, propter infortunia, quae Deus permisit et permittit sic evenire Christianis in hujus negotii assequutione (comp. the Chevalier du Temple § 56, note 23, and Austore d'Orlac, above note 1.) Quomodo lo enim permisisset Deus, quod Saladinus fere totam terram, acquisitam cum tanto sanguine et labore Christianorum, quasi subito nobis iterum abstulisset? et Fridericus Imp., vadens ad succurrendum, perisset in

a decree issued by this council for the acceleration of future Papal elections⁵ was frustrated on the next occasion.⁶

parva aqua? Et felices memoriae Rex Ludovicus captus fuisset cum fratribus suis, et tota nobilitate fere Franciae in Aegypto? etc.—In reply: infortunia evenientia super aliquos non sunt signum, quod eorum facta Deo non placeant, quin potius sunt signa contrarii, cum frequentius adversa eveniant in hoc mundo bene facientibus quam male.—Interdum eveniunt ista infortunia nostris propter peccata nostra.—Interdum etiam eveniunt propter bonum nostrum, ut mercamur plus non solum bene agendo, sed et patiendo, sicut Martyres et alii Sancti, qui et bene egerunt, et propter justitiam passi sunt.—Dicitur quod bonae memoriae Rex Ludovicus, captus a Saracenis, de hoc multum gloriabatur, dicens, quod Domino in die iudicii dicturo, quod pro nobis male tractatus fuisset, habiturus esset, quod responderet, dicendo videlicet, quod et ipse pro illo captus fuisset et male tractatus, sicut ille pro se (as Pierre d'Auvergne says above, § 54, note 48.) Cap. xviii.: Sunt multi, qui licet non obloquantur isti sancto negotio, tamen inveniuntur valde tepidi circa illud. Sunt autem hujusmodi tepiditatis causae multae, non bonae, quarum una est avaritia, sicut pro dolor in multis clericis apparet, qui propter decimas, vel alia etiam minora subsidia, quae oportet eos interdum ponere in hujusmodi negotio, adeo turbantur interdum, quod magis vellent, quod totum negotium remaneret, quam quod ad ista compellerentur.—Alia causa est mors suorum. Sunt enim multi, qui maledicunt negotio propter caros suos, qui mortui sunt in illo, jurantes et asserentes, quod propter hoc nunquam ibunt in exercitum contra Saracenos, vel non jurabunt in hoc negotio.

⁵ How the Cardinals struggled against this see brevis nota eorum, quae in ii. conc. Lugd. gener. acta sunt in Mansi xxiv. 66. Raynald. 1274 no. 27. The order itself is to be found in Mansi p. 81. Constit. ii. The election was to be in the city in which the Pope, with his court, lived and died. After that the absent Cardinals have been waited for ten days, the Cardinals were to assemble in the palace which the Pontiff used to inhabit, each one accompanied by his own servant only. In eodem palatio unum conclave, nullo intermedio pariete seu alio velamine, omnes habitent in communi. Quod, servato libero ad secretam cameram aditu, ita claudatur undique, ut nullus illuc intrare valeat vel exire.—Through one solitary window they were to receive the necessities of life. If they do not elect in the first three days, per spatium V dierum immediate sequentium, singulis diebus, tam in prandio, quam in coena, uno solo ferculo sint contenti. After these five days tantummodo panis, vinum et aqua ministrentur eisdem, donec eadem provisio subsequatur. To the chief magistrates of the city where the election was to take place, it was to be given in charge, ut praemissa omnia et singula plene ac inviolabiliter sine fraude ac dolo aliquo faciant observari, and for this purpose, immediately after the death of the Pope praestent corporaliter juramentum. If they are negligent in this duty, eo ipso excommunicationis sint vinculo innodati, et perpetuo sint infames etc. Civitas vero praedicta non solum sit interdicto supposita, sed et pontificali dignitate privata.

⁶ After Hadrian's V. death the Cardinals published a suspension of

On the other hand the Papal power over the German crown was now so firmly established, that after King Richard's death († 2. April 1272) the new election was prompted by Gregory,⁷ and the newly elected king Rudolph Count of Hapsburg (29. Sept. 1273) was obliged to acknowledge the Pope's supremacy in an humiliating manner,⁸ whilst Alphonso was compelled by the same influence to surrender his claim.⁹

Rudolph, only anxious to establish on a firm basis once more the Imperial influence in Germany, sacrificed to Pope Nicolas III. certain disputed territories in Italy;¹⁰ in return he supported

this order, professing to have been issued by himself; the inhabitants of Viterbo, however, did not believe it (Raynald. 1276 no. 28.) So John XXI. immediately after his accession to the see, while the memory of this conclave, so strictly managed by the men of Viterbo, was fresh in his mind, gave his authority to this suspension (Rayn. l. c. no. 29), *quia experientia docuit, constitutionem eandem multa intolerabilia, nonnulla obscura, et propter hoc accelerationi provisionis ejusdem Ecclesiae valde damnosa—continere. Celestine V. restored the order at last (Raynald. 1294, no. 17.)*

⁷ A historian who lived not much after this time (in Urstisii German. historic. ii. 93) relates that when the election was delayed, Gregorius P. X—*præcepit principibus Alemanniae electoribus, ut de Romanorum Rege, sicut sua ab antiqua et approbata consuetudine intererat, providere, infra tempus eis ad hoc de Papa Gregorio statutum: alias ipse de consensu Cardinalium Romani Imperii providere vellet desolationi.*

⁸ Rudolph's ambassadors had to take in their master's name, at Lyons, the oaths of Otto IV. (§ 54, note 14 and 17), and Frederick II. (§ 54, note 30, § 55, note 2) (cf. Raynald. 1274, no. 5 ss.) Some months after followed the confirmation epist. ad Rud. dd. 26. Sept. 1274 (in Rayn. l. c. no. 55, in M. Gerberti codex epistolaris Rudolphi I. s. Blasii 1772 fol. lib. i. epist. 27, and in F. J. Bodmann codex epist. Rud. I., epistolas cccxxx. anecdotas continens. Lips. 1806. 8. p. 25) with the words: *Licet itaque non sine causa distulerimus hactenus, regiam tibi denominationem ascribere; cum fratribus tamen nostris nuper deliberatione præhabita te Regem Romanorum de ipsorum consilio nominamus.* This nomination seems to contain an intentional ambiguity. Rudolph's personal confirmation of that oath, during his interview with the Pope in Lausanne (Oct. 1275), was first published in Senkenberg de jure primarum precum Regum Germ. Francof. ad M. 1784. 4. Cod. probationum p. 3 ss. Compare Gesch. d. Hauses Habsburg, v. d. Fürsten E. M. Lichnowsky, Th. i. Gesch. König Rudolphi I., Vienna 1836, s. 124, 136.

⁹ See Gregory's two letters to him in Rayn. 1274, no. 45 and no. 50 (the last also in Bodmann l. c. p. 19.) But it was not till 1275 that Alphonso was brought by the threat of excommunication to give up his claim (Rayn. 1275 no. 15.)

¹⁰ When the Imperial Chancellor made the cities of Bologna, Imola,

his claims against Charles I. of Sicily, and negotiated an advantageous peace for Rudolph (1280.)¹¹

Charles' tyranny had often before now provoked Papal censures,¹² when under Martin IV., a Pope entirely in his interest,

Ravenna, Rimini, Urbino, &c., in the year 1278, do homage to the Emperor, Nicolas III. was aggrieved by it, because these cities belonged to the States of the Church, according to the tenor of the Emperor's promises (see note 8), and Rudolph immediately gave in (Raynald. 1278 no. 51. Bodmann p. 79.) The Pope now sent him the copies of all the pretended Imperial deeds of gift (Rayn. l. c. no. 57 : *Ne autem per hæc nos aliquod novum petere, vel a tuis prædecessoribus Imperatoribus Romanis insolitum, existimes postulare, ad tuam conscientiam plenius serenandam—tibi de verbo ad verbum tenores privilegiorum ipsorum Imperatorum—transmittimus*), and required cum expressione nominum prædictorum etc. omnia et singula de novo donari. He added a rough draft for the purpose (Rayn. l. c. no. 62) and Rudolph was obsequious enough to execute it in full (see Bodmann p. 83.) All former grants were confirmed in this document, and the States of the Church also enumerated by name (comp. above § 54, note 14) : *Ad has pertinet tota terra, quæ est a Radicofano usque Ceperanum, Marchia Anconitana, ducatus Spoletanus, terra Comitissæ Mathildis, civitas Ravennæ et Aemilia, Bobium, Caesena, Forumpopuli, Forumlivii, Faventia, Imola, Bononia, Ferraria, Comaclum, Adriam, atque Gabellum, Ariminum, Urbanum, Mensfeltri, territorium Balnense, Comitatus Britenorii, Exarchatus Ravennæ, Pentapolis, Massa Tabaria cum adjacentibus terris et omnibus aliis ad Romanam Ecclesiam pertinentibus.* Rudolph was also required to wring from the electoral princes a confirmation of this deed (in Raynald. 1279 no. 6.)—Comp. Alberti Argentinensis (about 1378) chronicon in Urstisius ii. 103 : *Rex (Rudolfus) nullum motum habens ad Italiam, forsitan quia vidit cæteris multis male successisse, misit Henricum Ep. Basileensem cum membranæ sigillo suo sigillatis ad civitatem Romanam, qui ibidem sedi apostolicæ Romandiolam et quædam alia, in damnum grave Imperii, dedit.* *Annales veteres Mutinensium* (in Muratori xi. 72) ann. 1277 : *Rodolphus Rex Romanorum donavit civitatem Bononiæ et comitatum Romandiolæ Papæ Nicolao III., et sic Ecclesia Romana facta fuit domina illarum civitatum et terrarum.* Lichnowsky's *Gesch. d. Hauses Habsburg* i. 275.

¹¹ After Charles had been forced by Nicolas to renounce the Regency of Tuscany (Rayn. 1278, no. 68), and lay down the rank of Roman Patrician (ib. no. 69), the peace was effected (ib. 1280, no. 1); according to this Charles was to hold Provence and Forcalquier in fee of the Empire. Lichnowsky i. 281.

¹² According to Saba Malaspina vi. c. 4 (Murat. viii. 869), Gregory X., when he met with Charles in Tuscany, on his way to Lyons, said to him : "Super oppressione multiplici et innumeris novitatibus, fili carissime, quibus sub tuo felici dominio Regnicolas opprimi fama clamat, validus frequenter clamor percudit aures nostras.—Revoce

the Sicilian vespers (30. March 1282) put an end at once to his dominion in Sicily.¹³ Whereupon (Aug. 1282) Peter III., King of Aragon, husband of Manfred's daughter Constantia, forthwith came forward there as King.¹⁴ All the efforts of the Popes against Peter († 1285)¹⁵ and James, his son and successor in Sicily,¹⁶ remained fruitless. Charles I. († 1285), and his son, Charles II., continued to be restricted to Naples.

igitur pro Deo talia, quae Regi pio non congruunt, sed potius regiam celsitudinem dehonestant, ita quod tua grandis adeo felicitas adaugeat, non minuat subditis libertatem." Ad haec, cum regium Rex non fecisset in hac parte responsum, cujus animus videbatur ad ulteriora proclivior, dictus dominus Gregorius subdidit: "Veniet, veniet illa dies, qua super te tuosque filios et haereditas tyrannus inopinatus adveniet."

¹³ On this head, and on Nicolas' III. former share in the conspiracy, see the contemporary Ricordano Malaspini istoria Fiorentina c. 206 ss. (in Muratori viii. 1024.) Schlosser III. ii. ii. 71. E. A. Schmidt's Gesch. Aragoniens im Mittelalter, s. 188.

¹⁴ When the men of Palermo, who offered the crown to the Pope, were sent back with an anathema (in Rayn. 1282 no. 13), they wrote to Martin (ib. no. 19): Quia nos indignos b. Petri et vestra gratia reputastis, ille qui manet desuper infallibilis speculator, cui cura est aequalis de omnibus tam majoribus quam pusillis,—alterum Petrum loco Petri affectuosius invocati ex insperato in praesidium nostrum voluit cum paucis comitibus destinare etc.

¹⁵ Compare on the whole subject Schlosser III. ii. ii. 76. From the side of Martin IV., who was entirely devoted to Charles, there followed, first excommunication and interdict (Raynald. 1282 no. 23, given in full in d'Achery spicileg. iii. 684), then, in January 1283, the promise (Rayn. ad h. a. no. 4): omnibus Christianis,—qui contra Regem Aragonum—nobis, Ecclesiae vel Regi Siciliae astiterint, si eos—propterea in—conflictu mori contigerit, illam peccatorum suorum, de quibus corde contriti et ore confessi fuerint, veniam indulgemus, quae concedi transfretantibus in terrae sanctae subsidium consuevit. Afterwards on 21. March (Rayn. l. c. no. 15 ss. d'Achery l. c. p. 689 ss.): Regnum Aragoniae cacterasque terras Regis ipsius—exponentes, ut sequitur, ipsum Petrum Regem Aragonum eisdem regno et terris, regioque honore sententialiter, justitia exigente, privamus; et privantes exponimus eadem—occupanda catholicis, de quibus et prout sedes apostolica duxerit providendum; in dictis regno et terris ejusdem Ecclesiae Romanae—jure salvo. At last he gave over the kingdom of Aragon to Charles of Valois, as a Papal fief (Rayn. l. c. no. 25 ss.), from whom he required, as an annual quitrent, quingentas libras parvorum Turo-nensium; and now caused a crusade to be preached against Sicily and Aragon (Rayn. 1284 no. 2 ss.)

¹⁶ After Peter's death, his eldest son Alphonso succeeded him in Aragon, his second son James in Sicily. He was soon greeted with a fresh anathema (Rayn. 1296 no. 8. De colubro regulus prodiit, et de

During this struggle,¹⁷ upon the fall of Ptolemais (18. May 1291) the dominion of the Christians in the Holy Land was lost for ever.¹⁸

§ 59.

BONIFACE VIII. (24. DEC. 1294—11. OCT. 1303.) BENEDICT XI. (23. OCT. 1303—7. JUL. 1304.)

By a combination of ambition, daring, and craft,¹ Boniface VIII. had made his way to the Papal throne,² and now threatened to consummate its supremacy on earth. But he fell a victim to the attempt to bring under the Papal yoke the hitherto unmolested kingdom of France, where all along a sounder state of feeling had resisted the Pope's universal-monarchy:³ even more, he brought the Papal See itself into bondage to France.

patre nequitiae filius iniquitatis exivit, Jacobus videlicet etc., a metaphor long before used up, see § 57, not. 19 and 26.) However, Nicolas IV. had to consent to make peace with Alphonso, as King of Aragon (Rayn. ad h. a. no. 51.)

¹⁷ Martin IV. not only drew away from the Holy Land many crusaders (see note 15), but sent also to King Charles large sums from the tithe contributed for that purpose, as he expresses himself (Rayn. 1283 no. 41): quod in hujusmodi defensione ac custodia non solum dicti Regis, sed etiam Romanae Ecclesiae honor et utilitas procurantur.

¹⁸ Marinus Sanutus lib. iii. P. xii. c. 21 ss. Abulfeda, who was there in person at the time, ann. Moslem. v. 95. Schlosser III. ii. i. 348. Wilken vii. 719.

¹ Opinions of contemporaries of the Papal party about Boniface: Ptolemaeus Luc. hist. eccl. xxiii. c. 36 (in Murat. xi. 1203): Hic longo tempore experientiam habuit Curiae, quia primo advocatus ibidem, inde factus postea notarius Papae, postea Cardinalis, et inde in cardinalatu expeditor ad casus Collegii declarandos, seu ad externos respondendum. Nec in hoc habuit parem, sed propter hanc causam factus est fastuosus, et arrogans, ac omnium contentivus. Bernardus Guido in vita Bonifacii (in Murat. III. i. 670): Incoept autem quadam singulari via suam potentiam et papalem magnificentiam dilatare. Cujus praedecessor Coelestinus miracula operatus est in vita sua et post mortem. Ipse vero Bonifacius fecit mirabilia multa in vita sua, sed ejus mirabilia in fine mirabiliter defecerunt. The Ghibelline Dante calls him "der neuen Pharisäer Herr und Hort," Germ. Trans. (Inferno, Cant. 27, v. 85), and sees in Hell the place already prepared for him (Inferno, Cant. 19, v. 52.) The Poet places his vision in the year 1300, though the poem was written some years later.

² Comp. Ptolem. Luc. l. c. cap. 31 ss. p. 1200 ss., but Platina (ann. 1175) adds much to his account, de vitis Pontiff. ed. 1645. 12. p. 539 and 541.

³ Comp. Hugo Floriacensis, above § 54, note 3. S. Lewis, below §

When Boniface mounted the throne, he found much in the complication of politics, which invited a brilliant course of Papal statesmanship. The Holy Land was in the power of the Infidels, the Sicilian question still undecided. In Germany, instead of the powerful Rudolph of Hapsburg († 1291), ruled a less powerful King, Adolphus of Nassau. Philip the Fair, King of France, and Edward I., King of England, were engaged in a desperate feud. On both sides were numerous allies, namely, on the French side the King of Scotland, on the English, Adolphus King of Germany and the Count of Flanders.⁴ Boniface wished, after the example of Innocent III. (§ 54, note 6), to convert this war at once into a suit to be decided before him: and when his Legates were dismissed by Philip,⁵ he thought to frighten the King, by forbidding him to impose extraordinary taxes on the clergy (Bull *Clericis laicos*, 24. Febr. 1296.)⁶ Philip, however, returned the

62, note 26. Even the French Dominican Vincentius Bellovacensis (about 1240), *specul. histor. lib. xxvi. c. 51*, relates with censure the conduct of Gregory VII., whom he always calls Hildebrand, towards Henry IV.

⁴ On the quarrels between Boniface and Philip: *Histoire du différend entre le Pape Boniface VIII. et Philippe le bel, Roy de France* (par Pierre Du Puy.) Paris 1655 fol., together with an appendix of Documents (Preuves) from the Trésor des chartres du Roi: and *Histoire des démêlez du Pape Boniface VIII. avec Philippe le bel*, par Adrien Baillet. édit. 2. Paris 1718. 12.

⁵ The instructions of the Legates sent to Philip and Edward, 18. Feb. 1295, are in Rayn. ad h. a. no. 41. They were to move the kings, ut super hujusmodi negotio—nostris et apostolicæ sedis beneplacitis—acquiescant. At the end they received the power, relaxandi juramenta quaelibet super negotio ipso a quibuscunque præstita, necnon confœderationes—et pactiones quascunque super hoc factas dissolvendi,—contradictores quoque quoslibet et rebelles, cujuscunque fuerint ordinis,—sive status, per censuram ecclesiasticam appellatione postposita compescendi. At the same time, in two letters, 27. Jun. 1295, King Adolphus was exhorted to peace (Rayn. l. c. no. 44.)

⁶ The Bull bears this date, which also is adopted in the *liber sextus decretall. lib. III. T. xxiii. cap. 3*, in Th. Rymer *foedera* ed. A. Clarke et F. Holbrooke l. ii. 836: *Clericis laicos infestos oppido tradit antiquitas, quod et præsentium experimenta temporum manifeste declarant dum suis finibus non contenti nituntur in vetitum, ad illicita frena relaxant nec prudenter attendunt, quam sit eis in clericos, ecclesiasticas personas et bona interdicta potestas:—et (quod dolenter referimus) nonnulli Ecclesiarum Praelati—trepidantes, ubi trepidandum non est,—plus timentes majestatem temporalem offendere quam æternam, talium abusibus—adquiescunt, sedis apostolicæ auctoritate seu licentia*

blow intended for him, with such strength and skill,⁷ and continually resisted all officious interference on the Pope's side

non obtenta. Nos igitur, talibus iniquis actibus obviare volentes, de fratrum nostrorum consilio apostolica auctoritate statuimus, quod, quicumque Praelati, ecclesiasticaeque personae—collectas vel tallias, decimam, vicesimam seu centesimam suorum et Ecclesiarum proventuum—laicis solverint vel promiserint, aut quamvis aliam quantitatem—sub adjutorii, mutui, subventionis, subsidii vel doni nomine, seu quovis alio titulo, modo, vel quaesito colore, absque auctoritate sedis ejusdem; necnon Imperatores, Reges seu Principes,—qui talia imposuerint, exegerint vel receperint, aut apud aedes sacras deposita Ecclesiarum—arrestaverint, saisiverint, seu occupare praesumserint, nec non omnes, qui scienter dederint in praedictis auxilium,—eo ipso sententiam excommunicationis incurrant. Universitates quoque, quae in his culpabiles fuerint, ecclesiastico supponimus interdicto. —A supradictis autem excommunicationum et interdicti sententiis nullus absolvi valeat, praeterquam in mortis articulo, absque sedis apostolicae auctoritate et licentia speciali. No more than a whetting of the decree of Innocent III., see below, § 63 note 16.

⁷ Philip's order of the 17th August 1296, to export no gold nor silver is in Du Puy preuves p. 13.—The Pope's vehement complaint at this, 21. Sept., *ibid.* p. 15, and in Rayn. 1296 no. 25. Ipsi quidem subditi adeo sunt diversis oneribus aggravati, quod eorum ad te solita et subjecta multum putatur refriguisse devotio.—Si, quod absit, fuerit [constitutionem] condentis intentio, ut ad nos et fratres nostros, Ecclesiarum Praelatos—extendatur, hoc non solum fuisset improvidum, sed insanum, velle ad illa temerarias manus extendere, in quibus tibi saecularibusque principibus nulla est attributa potestas; quin potius ex hoc, contra libertatem eandem temere veniendo, in excommunicationis sententiam promulgati canonis incidisses.—Leva in circuitu oculos tuos et vide: cogita et repensa Romanorum, Angliae ac Hispanorum regna, quae quasi undique te circumdant,—et patenter agnosces, quod non fuit tempus acceptabile, non dies salutis, diebus istis nos et ipsam Ecclesiam talibus punctionibus tangere;—nec revocare debuisses in dubium, quod nostri et Ecclesiae adjutorii et favoris sola subtractio in tantum te debilitaret ac tuos, quod, ut caetera tua perinde omittamus incommoda, persecutiones adversas ferre non posses.—Nonne Rex Romanorum fuisse occupatas a te tuisque praedecessoribus—civitates et terras—ad Imperium pertinentes cum instantia conqueritur, et specialiter Burgundiae comitatum, quod notum est fore feudum descendens ab Imperio, et recognoscendum ab ipso? Nonne—Rex Angliae illustris de nonnullis terris Guasconiae asserit illud idem? Numquid super iis dicti Reges denegant stare juri? Numquid apostolicae sedis, quae Christicolis omnibus praeceminet, judicium vel ordinationem recusant? *Dumque in eos super iis ipsi peccare te asserunt, de hoc judicium ad sedem eandem non est dubium pertinere.* Quite like Innocent III., above § 54, note 6. Thereupon Responsiones nomine Philippi R. in Du Puy, preuves p. 21, and in Leibnitzii mantissa codicis juris gentium diplom. ii. 288: Antequam essent clerici, Rex Franciae

with such determination;⁸ that he found it best for his own

habebat custodiam regni sui, et poterat statuta facere.—Sancta mater Ecclesia, sponsa Christi, non solum est ex clericis, sed etiam ex laicis:—quam ipse—per mortem suam misericorditer liberavit: qua libertate guadere voluit omnes illos, tam laicos, quam clericos. —Clerici—non debent, nec possunt, nisi forsitan per abusum, sibi appropriare, quasi alios excludendo, ecclesiasticam libertatem, loquendo de libertate, qua Christus nos sua gratia liberavit. Multae vero sunt libertates singulares, non universalis Ecclesiae.—sed solum ejus ministrorum:—quae pridem libertates per statuta Rom. Pontificum, de benignitate vel saltem permissione Principum saecularium, sunt concessae: quae quidem libertates sic concessae: vel permissae ipsis Regibus regnorum suorum gubernationem ac defensionem auferre non possunt, nec ea, quae dictae gubernationi et defensioni necessaria seu expedientia—judicantur, dicente Domino Pontificibus templi: *Reddite ergo quae sunt Caesaris Caesari etc.* Et quia turpis est pars, quae suo non congruit universo, et membrum inutile et quasi paralyticum, quod corpori suo subsidium ferre recusat: quicumque sive clerici sive laici—qui capiti suo vel corpori, hoc est domino Regi et Regno,—auxilium ferre recusant, semet ipsos partes incongruas et membra inutilia et quasi paralytica esse demonstrant.—Quis sapiens et intelligens haec non incidit in vehementem stuporem, audiens Vicarium Jesu Christi prohibentem tributum dari Caesari, et sub anathemate fulminantem, ne clerici contra iniquae et injustae persecutionis incursus (on the parts of the kings of England and Germany) domino Regi et Regno—pro rata sua manum porrigant adjutricem? Dare vero histrionibus, et amicis carnalibus, et neglectis pauperibus expensas facere superfluas in robis, equitativis, comitativis, comessionationibus, et aliis pompis saecularibus, permittitur eisdem, imo conceditur, ad perniciosae imitationis exemplum etc. The supplicatio facta Papae per Archiepisc. Remensem et suffraganeos suos in Du Puy, preuves p. 26, makes a yet deeper impression, because it is clear from this, notwithstanding its respectful tone, that the Pope could not reckon on the French clergy.

⁸ Boniface issued a Bull on the 13th Aug. 1296 (in Rayn. ad h. a. no. 18 s.): treugas dudum ab instanti tunc festo nativitatis b. Joannis Baptistae proximo praeterito usque ad annum unum completum praefatis Romanorum, Franciae ac Angliae Regibus auctoritate apostolica sub poena excommunicationis—indiximus. This, however, was only announced to the King of Rome, because the Legates had hoped, that between the Kings of France and England a truce might be brought about of their own free will. But now treugas ab instanti festo nativ. b. Jo. Bapt. proximo futuro—usque ad biennium completum eadem auctoritate jam dictis Rom. Franc. ac Angliae Regibus prorogamus, et de novo indicimus, easque praecipimus inviolabiliter observari sub eadem excommunicationis poena. However the Legates were afraid to deliver this to Philip (confer Instrumentum Legatorum de treugis indic. et Regis Philippi protestatione 21. April 1297 in Leibniti mantissa ii.

interest to recall the prohibition with regard to France,⁹ and endeavour to win over the King by every token of favour.¹⁰

290: quas treugas publicare et dictas literas praesentare Francorum et Angliae Regibus ipsis distuleramus ex causa), and first negotiated for a cessation of arms between the two Kings (see the documents 6. Feb. 1297 in Rymer-Clarke I. ii. 838.) When they now wisht to publish the Bull Philip compelled them first to adopt by way of protocol a solemn protest (the Instrument mentioned above dated 21. April): regimen temporalitatis regni sui ad ipsum Regem solum et neminem alium pertinere, seque in eo neminem superiorem recognoscere, nec habere, nec se intendere supponere vel subicere modo quocunque viventi alicui super rebus pertinentibus ad temporale regimen Regni.—Quatenus autem ipsius Regis tangit animam, et ad spiritualitatem attinet, idem Rex—paratus est, monitionibus et praeceptis sedis apostolicae devote ac humiliter obedire, in quantum tenetur et debet etc.

⁹ In interpretation of the Bull Boniface sent to Philip 7. Feb. 1297, the following statements (in Rayn. ad h. a. no. 49. Baillet, p. 322): Quia ejus est interpretari, cujus est condere, ad cautelam tuam—humana declaratione decernimus, quod si Praelatus aliquis—voluntarie—donum aut mutuum tibi dare—voluerit, dum tamen sub exactionis nomine—hoc non fiat generaliter,—licet ad id forsitan tua—requisitio—procedat, te, Praelatos etc. ipsa constitutio non astringat; quodque ad feuda sive regalia, quae iidem Praelati—sub tuo dominio tenere noscuntur, in his, quae tibi de illis tenentur et debent, et clericos uxoratos, prout sani juris intellectus admittit, ac illos, qui in fraudem causa vitandorum munus clericale schema recipiunt, se ipsius constitutionis sententia non extendat: et in necessitatis articulo,—ubi evidens esset in mora periculum per te vel tuos nuntios ad sedem apostolicam recurrendi, si a Praelatis—subsidium competens petas et habeas, te ac ipsos ex ejusdem constitutionis verbis vel sententia declaramus lucide non teneri. In the accompanying Brief of the same day (in Rayn. l. c. no. 47) he enjoined the King, on the other hand, to cancel his order; but he wrote to his own Legates on the same day (ib. no. 48) si forte—per—Philippum—vel officiales ejus—pecuniae de regno Franciae prohiberetur—extractio; vos—eundem Regem, officiales ipsius—denunciatis publice in sententiam promulgati canonis incidisse: et nihilominus in eum et eos de novo excommunicationis sententiam proferatis etc. Nevertheless he issued on the 31. July of this year yet another so-called interpretation (Rayn. l. c. no. 50. Du Puy, p. 39): Adjicimus insuper hujusmodi declarationi nostrae, quod si praefatis Regi et successoribus suis pro universali vel particulari ejusdem regni defensione periculosa necessitas immineret, ad hujusmodi necessitatis casum se nequaquam extendat constitutio memorata: quin potius idem Rex ac successores ipsius possint a Praelatis—petere ac recipere pro hujusmodi defensione subsidium vel contributionem,—inconsulto etiam Romano Pontifice;—quodque necessitatis declaratio supradictae ipsius Regis et successorum suorum conscientis, dummodo successores illius vigesimum aetatis annum exegerint, relinquantur etc.

¹⁰ The grant of the tithe from the French clergy for three years

Now, even Philip agreed to appoint Boniface, not as Pope but as a private individual, to be arbitrator of his quarrel with Edward. The decision made its appearance on the 30th of June 1298; but it did not please the King, anxious only to secure his lands:¹¹

(Baillet, p. 55.) The canonization of Lewis IX. (Acts in Du Chesne hist. Francor. scriptt. v. 481.) The promise that Charles of Valois should be made Emperor (Villani istor. Fiorent. lib. viii. c. 62.)

¹¹ The Bull formerly known only from the abridgement in Rayn. ann. 1298 no. 2 ss., was first printed in full by Rymer (in Clarke's edition I. ii. 894.) The Pronunciatio dates properly on the 27. June, and here the Pope says at the beginning: The two Kings in nos—*tamquam in privatam personam, et dominum Benedictum Gaytanum, tanquam in arbitrum,—super reformanda pace et concordia inter ipsos Reges,—absolute ac libere compromittere curaverunt*; and thus he decides the question as a private person and Benedict Gaytanus. But he makes known this decision in a Bull of June 30, in which he gave the Papal sanction to the decision he had made as a private individual. (At first in the preamble, he says: *Quam pronunciationem, et quae in ea continentur, auctoritate apostolica valere volumus, et plenam habere decernimus roboris firmitatem.*) This stratagem was likely to rouse Philip's anger. But when the historians of that time (Villani viii. 56 etc.) relate that Philip was adjudged by this decision to restore to the Count of Flanders also all places taken from him and his daughter, who had been kept prisoner, and to make an expedition to Palestine: they betake themselves back again to this point. There can be no doubt as to the integrity of the Bull printed from the original in Rymer (see Gaillard in d. Mémoires de l'acad. des Inscript. xxxix. 642.) The decision first prescribes the marriages which had been before negotiated between Edward and Philip's sister Margaret, and between Edward, heir to the English throne, and Philip's daughter Isabella. On this point Benedict Gaytanus suddenly comes forward again as Pope (*decernimus auctoritate apostolica, quod terra Regis illius, ejus culpa vel malitia steterit, quominus contrahantur praedicta sponsalia,—ecclesiastico subiaceat interdicto.*) Then that all bona mobilia ablata by either side should be restored. The principal point, the possession of lands, stood over for future negotiations. At the end it was decided that all English lands which have fallen into the power of the French, and all French lands which the English have occupied, until judgment be given about them, shall be delivered over in *manibus et posse nostris*. If the Kings could agree about the lands and property, all was to remain as they should settle. If not, the Pope would decide. At last he reserves for himself *plenariam potestatem*, prout ex forma compromissorum praedictorum nobis competit, super omnibus et singulis, quae inter eosdem Reges ex compromissis praedictis arbitrandae—*diffinienda et pronuncianda restant,—arbitrandi—diffiniendi, arbitraliter sentiendi etc.* This decision was not partial, and Philip had not altogether refused it, as is plain from the ensuing treaties. However Philip could not but be displeased with the Pope, as naturally enough he would not willingly relinquish his

the negotiations, though still continued, produced no results.¹² The old grudge returned on both sides, and found expression in manifold acts of mutual hostility. The Pope began to protest anew against Philip's oppression of the Church.¹³ Philip, on the other hand, after the banishment of the Colonna family, the Pope's most bitter enemies, from Italy, entertained Stephen and Sciarra Colonna at his Court:¹⁴ and concluded with the newly elected (1298) German King, Albert I., after that the Pope had declared himself against his appointment,¹⁵ a friendly alliance of the closest kind (1299).¹⁶

advantages won over Edward, nor suffer his hands to be tied by the unlook for and crafty intrusion of the Papal authority.

¹² Rymer-Clarke I. ii. 902 ss. is full of documents relating to negotiations of peace, which agree in laying down this Papal decision as their basis. About these see Bonif. epist. ad Eduardum 26. Feb. 1301 (l. c. p. 929): *Confodimur anxietatibus,—quod inter te ac Philippum—paciis—per nos sata semina speratum fructum—non produciunt.* Then follows after copious exhortations to peace: *licet ipse [Rex Franciæ] fervore juventutis impulsus, pravis seductus consiliis, et adulatorum malitia instigatus, se nimis in hac parte tenacem exhibeat atque durum: tu tamen, in quo maturitas et circumspectio plenior ac magis moderata requiritur, acquiescere sibi, ut juveni, satis condecenter potes, saltem ad tempus, donec Deus omnipotens, qui errata corrigit et reformat, tibi et sibi de meliori consilio et salubrioribus fructibus duxerit providendum.*

¹³ For instance against the misuse of the Right de la Régale (compare below § 63. note 8.) Bonif. ep. ad Phil. Oct. 1298 (in Rayn. ad h. a. no. 24) complains; during the suspension of the Bp. of Laon, *praetextu cujusdam consuetudinis, quam appellas regalia, administrationem eandem temporalium, ac si vacaret Ecclesia,—cepisti.* Compare the letters, ib. ad ann. 1299 no. 23, 25, that he exercised the right of Regale too long, even after the successor was appointed, and too harshly; ad ann. 1300 no. 17, that he exercised it in the case of churches where it did not belong to him.

¹⁴ On the quarrel with the Colonna family, who among other things denied the legitimacy of the resignation of Celestine and the accession of Boniface, (see their instrumentum publicum in Raynaldus T. xiv. in App. p. 635), Schröckh xxvi. 528. Planck v. 81.

¹⁵ Ptolemaeus Luc. hist. eccl. xxiv. 37 (in Muratori xi. 1204): Albert had sent ambassadors to the Pope in the year 1299 pro confirmatione electionis suae, quam Bonifacius P. primo multis juris et facti rationibus allegatis repulit prima vice, et asseruit nullam esse. Francis. Pipinus (about the year 1314) describes the reception of the ambassadors chron. lib. iii. c. 47 (Murat ix. 745): *quibus Papa respondit, illum non esse electum legitime, et indignum imperio, qui erga dominum suum scelere bellum coepit, ac proditorum occideret. Et sedens in*

Now it was that diseased ambition and irritated lust of power, carried on the Pope to the most thoughtless policy. When he had made Edward I. his enemy by an arrogant interference in the relations betwixt England and Scotland,¹⁷

solio armatus et cinctus ense, habensque in capite Constantini diadema, stricto dextra capulo ensis accincti, ait: *nunquid ego summus sum Pontifex? Nonne ista est cathedra Petri? Nonne possum Imperii jura tutari? Ego sum Caesar, ego sum Imperator*: eosque talibus verbis dimisit. So also Ferretus Vicentinus (about 1328) in Muratori ix. 995, who makes Boniface speak thus at the end: *Ipse* (Albertus) *nunc apud Germanos imperet, nos autem Latias gentes potentiae nostrae devotas nutu nostro regaliter gubernabimus*. Dante perhaps meant to represent this scene (in *Purgat.* xvi. 110, see below note 36.) Albertus Argent in Urstisius ii. p. 111, with reference to Albert as læsæ majestatis crimine reum, puts the following words into the Pope's mouth: *Non fiet vivente ista Jesabel*, denotans Elizabeth reginam, quae ex matre soror extitit Chunradini (and daughter of Mainhard, Count of the Tyrol, and so by more than one of her ancestors of the Hohenstaufen Family.) The *Gesta Archiepisc. Trevir.* (in Martene ampliss. coll. iv. 376 say, Boniface for this reason had made Diether of Nassau, brother of the late King Adolphus, Archbishop of Treves in 1299, quo pertinacius Alberto Regi resisteret, contra quem Papa, tum quod uxorem haberet *de viperali genimine seminis Friderici Imp.*, tum aliis de causis rigidas exercebat sententias.

¹⁵ See the documents in Leibniti codex juris gentium diplom. p. 39 ss., especially the promise in the confederation, Strasburg 5. Sept. 1299 p. 41: quod ex nunc in autea erimus ad invicem veri et fideles amici, ac in nostris et regnorum nostrorum et Imperii honoribus, libertatibus et juribus mutuo conservandis *contra omnem hominem* veri et validi adjuutores.

¹⁷ At first the Pope sought by friendly representations to move Edward to peace with Scotland (see his letters to Edward 10. July 1298 in Rymer-Clarke I. ii. 897): but afterwards he wrote to him on the 27. June. 1299 (in Leibn. mantissa ii. 277. Rymer-Clarke I. c. p. 907): Sane ad Celsitudinem regiam potuit pervenisse, et in tuæ libro memoriae nequaquam ambigimus contineri, qualiter ab antiquis temporibus regnum Scotiae pleno jure pertinuit, et adhuc pertinere dignoscitur ad Ecclesiam Romanam.—Si vero in eodem regno Scotiae, vel aliqua ejus parte, jus aliquod habere te asseris: volumus quod tuos procuratores—infra sex menses—ad nostram praesentiam mittere non omittas.—Nos enim nihilominus ex nunc lites—quaslibet, inter te dictumque regnum Scotiae—subortas,—ad cognitionem et determinationem sedis ejusdem, praesentium tenore reducimus, et etiam reservamus: decernentes irritum et inane, si secus scienter vel ignoranter a quoquam in hac parte contigerit attentari. Edward was wise enough to leave the matter to his Parliament, and the Pope was obliged to be content with the answer they sent him dd. 12 Feb. 1301. (Leibn. I. c. p. 287. Rymer-Clarke I. c. p. 926): Scimus, et noto-

and Albert I., by his imperious encroachment on the election to the German Empire:¹⁸ he directly sent to Philip, Bernard of Saisset, Bishop of Pamiers¹⁹ (1301), who, independently of this, was an object of hatred to him, in order to add greater bitterness to his grievances. The Legate who came

rium est,—quod a prima institutione regni Angliae Reges ejusdem regni—superius et directum dominium regni Scotiae habuerunt;—nec ullis temporibus ipsum regnum in temporalibus pertinuit vel pertinet quovis jure ad Ecclesiam supradictam [Romanam].—Neque Reges Angliae super juribus suis in regno praedicto, aut aliis suis temporalibus coram aliquo iudice ecclesiastico vel saeculari—responderunt, aut respondere debebant. Unde—concors et unanimis omnium et singulorum consensus fuit, est, et erit inconcusse, Deo propitio, in futurum; quod praefatus dominus noster Rex super juribus regni sui Scotiae, aut aliis suis temporalibus, nullatenus judicialiter respondeat coram vobis, nec iudicium subeat quoquomodo: aut jura sua praedicta in dubium quaestionis deducat: nec ad praesentiam vestram procuratores aut nuncios ad hoc mittat.—Nec etiam permittimus, aut aliquatenus permittimus, sicut nec possumus, nec debemus, praemissa tam insolita, indebita, praejudicialia, et alias inaudita praelibatum dominum nostrum Regem, etiamsi vellet, facere seu quomodolibet attentare. Comp. Schlosser III. ii. ii. 398.

¹⁸ Boniface wrote 13. April 1301 to the three spiritual electoral princes (in Rayn. ad h. a. no. 2): In publicam devenit notitiam, quod clarae memoriae Adulpho in Romanorum Regem electo—Albertus—vassallagium et ligium homagium ut Romanorum Regi fecit,—et tandem—contra ipsum superbe rebellans, ipso Rege Adulpho vivente,—se in Romanorum Regem eligi procuravit, et—de Rege triumphavit eodem, ipso occiso in praelio.—Therefore now, nos ad quos jus et auctoritas examinandi personam in Regem Romanorum electam,—seu ratione dignitatis personae vel formae nominatio regia, seu ratione indignitatis personae vel formae reprobatio pertinere noseuntur; fraternitati vestrae—mandamus, quatenus vos—denunciare curetis,—quod nisi Albertus, qui pro Romanorum Rege se gerit, per suos solennes nuncios—infra sex mensium spatium—compareat coram nobis, ostensurus—suam innocentiam; et propositurus rationabiles excusationes, si quas habet, super suis impediementis notoriis, crimine videlicet laesae majestatis commissio,—nec non excommunicatione publica etc.; et expositurus jus, si quod sibi competit;—et ad faciendum,—quae justitia suadebit—sibi que duxerimus injungenda, ac nostris beneplacitis pariturus: nos principibus—districtius injungemus, ut nullus sibi ut Romanorum Regi obediat;—quin potius omnes recedant ab eo; ac omnes et singulos ab homagiis factis ipsi Alberto ut Romanorum Regi, et fidelitatis praestitis juramentis absolvemus etc. However Albert brought the Electoral Princes of the Rhine to obedience, by force of arms, and this summons remained unnoticed. See Henry's History of the Empire, iii. 625.

¹⁹ On his former conduct see Baillet p. 77. Velly *histoire de France* vii. 150.

forward with the most overbearing pride was immediately sent back, and when he began to spread in his diocese rumours and opinions that might unseat the King on his throne, he was imprisoned.²⁰ Now Boniface contained himself no longer. In his anger he poured forth a stream of decrees against Philip all at once (5. Dec. 1301), and even advanced so far as to summon the French clergy to a council at Rome on the 1. Nov. 1302, in order to frame decrees there for the arrangement of all disorders in France.²¹ Philip, on the other hand, assembled his States (10.

²⁰ The documents on this head are to be found in Du Puy, p. 621 ss. in Martene thesaurus i. 1319. especially the Articuli contra Episc. Apamiarum p. 1330: he had said often in public, quod s. Ludovicus, dum viveret, dixit,—quia temporibus istius domini Regis, qui nunc est, regnum Franciæ debebat destrui,—et quod dictum regnum tempore ipsius dicti domini Regis debebat ad alios devenire.—Item—quod dominus noster Rex nihil omnino valebat &c. Dixit etiam pluries idem Episcopus Apamiensis, quod civitas Apamiensis non erat in Regno Franciæ, nec de regno, et quod dominus Rex in ea nihil omnino habebat. Then highly treasonable communications with the Count de Foix were brought against him.

²¹ I. ad Regem Franc. (Rayn. ann. 1301 no. 28. Bulæi hist. Univers. Paris iv. 13. Du Puy preuves p. 661), a command to release the Bishop of Pamiers.—II. ad Archiepisc. Episc. et Capitula regni Franciæ, ac doctores in theologia, et magistros in jure canon. et civili de regno natos eodem (Rayn. l. c. no. 29. Bulæus iv. 11.) Because so many charges have been brought forward, super excessibus, culpis, insolentiis, injuriis atque damnis, quæ Praelatis, Ecclesiis—per—Philippum Regem—inferuntur, ac etiam paribus, Comitibus, aliisque nobilibus, universitatibus et populo dicti regni; he therefore summons them to a council at Rome, ut super præmissis—vestra possimus habere consilia,—nec non tractare, dirigere, et statnere, procedere facere, et ordinare, quæ ad honorem Dei et apostolicæ sedis, augmentum catholicæ fidei, conservationem ecclesiasticæ libertatis, ac reformationem Regis et regni, correctionem præteritorum excessum, et bonum regimen regni ejusdem viderimus expedire.—III. The Bull Salvator Mundi (Bulæus iv. 5. Du Puy, p. 42): Nos attendentes, quod nonnulla privilegia, indulgentias et gratias—Philippo Regi—duximus concedenda,—quorum privilegiorum—occasione per abusum Ecclesiis—magna dispendia et gravamina sunt illata et gravia scandala sunt exorta, et in antea possent oriri,—providimus super hoc salutare remedium adhibere. Unde illa omnia quantum ad omnem ipsorum effectum—usque ad prædictæ Sedis beneplacitum duximus suspendenda.—Caeterum quia—ipsi Regi se corrigenti et habilitanti ad gratiam promerendam, libenter—complacemus,—Kal. Nov. proximo venturas pro peremptorio termino assignamus, ut omnia privilegia etc. —dictæ Sedis conspectui præsententur, et consideratis ipsis et visis provideri possit, si dicta

Apr. 1302), and here assured himself of the good feeling of his people, which was unmistakeably expressed not only in the biting

suspensio fuerit in aliquo vel in aliquibus moderanda.—IV. Letters of warning to Philip (in Rayn. l. c. no. 31, supplements to this ann. 1311 no. 33, given in full in Bulaeus iv. 7. Du Puy, p. 48): *Ausulta, fili carissime, praecepta patris, et ad doctrinam magistri, qui gerit illius vices in terris, qui solus et Magister est Dominus, aurem tui cordis inclina.*—Christi vicarius, Petrique successor—*sibi collatis clavibus regni caelorum, iudex a Deo vivorum et mortuorum constitutus agnoscitur, ad quem sedentem in solio iudicii dissipare pertinet suo intuitu omne malum.*—Constituit enim nos Deus, licet insufficientibus meritis, super Reges et Regna, imposito nobis iugo apostolicae servitutis ad evellendum, destruendum, disperdendum, dissipandum, aedificandum atque plantandum sub ejus nomine et doctrina.—Quare, fili carissime, nemo tibi suadeat, quod superiorem non habeas, et non subsis summo Hierarchae ecclesiasticae Hierarchiae. Nam desipit, qui sic sapit, et pertinaciter haec affirmans convincitur infidelis. Then follow copious charges about Philip's oppressions of the Church and his subjects, because of which the Pope had been induced to summon the French clergy to Rome. Si tuam itaque rem agi putaveris, eodem tempore per te vel per fideles viros—*its poteris interesse: alioquin tuam vel ipsorum absentiam divina replente praesentia, in praemissis,—prout nobis superna ministraverit gratia, et expedire videbitur, procedemus. Tu autem audies, quid loquetur in nobis Dominus Deus noster etc.*—

V. The well known short letter (Bulaeus iv. 7. Baillet p. 103): Bonifacius Episc. servus servorum Dei Philippo Francorum Regi. Deum time, et mandata ejus observa. Scire te volumus, quod in spiritualibus et temporalibus nobis subes. Beneficiorum et Praebendarum ad te collatio nulla spectat: et si aliquorum vacantium custodiam habeas, fructus eorum successoribus reserves; et si quae contulisti, collationem hujusmodi irritam decernimus, et quantum de facto processerit, revocamus. Aliud autem credentes haereticos reputamus. Datum Laterani Non. Dec. Pontificatus nostri ann. vii. The genuineness of this brief is first denied by Henr. Spondanus annal. Eccles. ad ann. 1301 no. 11, chiefly because Boniface declared in the consistory of 1302, that Peter Flote, keeper of the seal in France, had falsified it (compare de Marca de conc. Sacerd. et Imp. lib. iv. c. 16. § 3 ss. Planck v. 96.) However Boniface meant something quite different, see below, note 25. All historians of this time consider it genuine, see Bulaeus iv. 14: also the contemporary paper of Aegidius de Columna (see below, note 35), and the petition of the French people in the year 1303 (see below, note 38), appeal to this; nor is it easy to see why a fraud should be risked in this case, or how so great a one should have past uncensured. According to Joannes de S. Victore (in Bulaeus iv. 15), this brief was first sent to the king about the feast of purification (Feb. 2) by the Legate, who had been already warned off, and had probably received the brief to be used in case of absolute necessity. The answer of the King was this (Bulaeus iv. 11. Baillet p. 111): Philippus D. G. Francorum

letter of the barons and burghers to the Cardinals,²² but also in an embassy and letter of warning from the clergy to the Pope.²³

Still all these representations were rejected;²⁴ the envoys of

Rex Bonifacio se gerenti pro summo Pontifice salutem modicam, seu nullam. Sciat maxima tua fatuitas, in temporalibus nos alieni non subesse; Ecclesiarum ac Praebendarum vacantium collationem ad Nos jure regio pertinere; fructus earum nostros facere; collationes a nobis hactenus factas et in posterum faciendas fore validas in praeteritum et futurum; et earum possessores contra omnes viriliter nos tueri; secus autem credentes fatuos et dementes reputamus. Datum Parisius. On the regalia, the subject of this contention, see below, § 63. note 8.

²² Philip first submitted to the Prelates the question (Continuator Guil. de Nangiaco ad ann. 1301): "a quo suum temporale ecclesiasticum, et Barones et Milites sua se tenere feoda adgnoscebant?" Timebat etenim regia Majestas, ne propter hoc, quod Papa mandaverat, tam sibi in temporalibus quam in spiritualibus se subesse, vellet idem Rom. Pontifex eniti, quod regnum Franciae a Rom. Ecclesia in feodum teneretur. Et cum omnes a Francorum Regibus tenuisse, ac de caetero se tenere dicerent universa, Rex eisdem gratias reddidit, et promisit, quod corpus et omnia, quae habebat, exponeret pro libertate regni conservanda. Similiter autem Barones et Milites per os Atrebatensis Comitis Roberti postea responderunt dicentes, quod ex toto robore prompti erant pro corona Regni Franciae contra omnes adversarios decertare. Sic illo soluto consilio edici fecit regia Majestas, ne aurum aut argentum aut mercaturae quaeque de regno Franciae vherentur; quod qui contra faceret, totum amitteret, et grandi nihilominus emenda, vel gravi poena corporis puniretur. Et tunc deinceps fecit omnes exitus, passus et introitus regni Franciae cautissime custodire. This result, which was occasioned by the Pope's issuing the short brief, was the cause of much bitter feeling. Comp. the letter of the Barons to the Cardinals in Bulaeus iv. 22. Du Puy, p. 60. The letter of the Tiers-Etat is lost.

²³ The letter of the clergy to the Pope is (in Bulaeus iv. 19. Du Puy, p. 66): The King had submitted to them in the meeting, sibi ex parte vestra fuisse—intimatum, quod de regno suo, quod a Deo solo ipse et praedecessores sui tenere hactenus recogniti sunt, temporaliter vobis subesse, illudque a vobis tenere deberet: nec contenti verbis hujusmodi sic mirabilibus sicque novis et inauditis a saeculo apud incolas dicti regni, sed ea perducere satagentes executionis in actum, Praelatos—pro corrigendis excessibus—ad vestram praesentiam evocastis. They then tell the Pope all the charges which had been made against him in that meeting, and that, being prest by the King and Barons for a plain answer, they had been compelled to declare, quod ipsi domino nostro Regi in conservatione personae suae suorumque et honorum ac libertatis et jurium dicti regni, prout quidam nostrum, qui—membra nobilia dicti regni tenemus, ex forma juramenti, et caeteri, qui omni debito sibi sumus fidelitatis adstricti, adessemus eidem debitis consiliis et auxiliis opportunis.

²⁴ The answer of the Cardinals to the Barons (in Bulaeus iv. 26.

the French clergy were even obliged to listen in a consistory to the most extravagant assertions of the Pope's secular power;²⁵

Du Puy p. 63), among other things, says: *Volumus vos pro certo tenere, quod praedictus dom. noster summus Pontifex numquam scripsit Regi praedicto, quod de regno suo sibi subesse temporaliter illudque ab eo tenere deberet.*—Unde propositio, quam fecit Petrus Flote,—animosum et falsum habuit fundamentum, et ideo necesse est, quod cadat aedificium.—Their answer to the Tiers-Etat (Bul. p. 27. Du Puy p. 71) is to the same purpose, but shorter.—The answer of the Pope to the clergy (Bulaeus p. 24. Du Puy p. 65, more correctly in the Notices et extraits des MSS. ii. 270): *Verba delirantis filiae, quantumcunque desiderii maternis infesta, quantaque sint enormitate foedata, nequeunt tamen puritatem inficere pie matris etc.* Nonne duo principia nituntur ponere, qui dicunt temporalia spiritualibus non subesse?

²⁵ The documents are in Bulaeus iv. 28, and Du Puy p. 72. In the speech of Cardinal Portuensis, it is denied that the Pope ever asserted quod d. Rex deberet recognoscere regnum suum ab Ecclesia. On the other hand, the answer is: *Scriptum est: fecit Deus duo luminaria magna, luminare majus ut praeeset diei, et luminare minus ut praeeset nocti* (Gen. i. 16): sunt enim duae jurisdictiones, spiritualis et temporalis. Jurisdictionem spiritualem principaliter habet summus Pontifex, —jurisdictionem temporalem habent Imperator et alii Reges: tamen de omni temporali habet cognoscere summus Pontifex et judicare ratione peccati. Unde dico, quod jurisdictio temporalis potest considerari prout competit alicui de jure. Unde jurisdictio temporalis competit summo Pontifici, qui est Vicarius Christi et Petri, de jure. Unde qui dicit contrarium, impingit in illum articulum: "*judicaturus est vivos et mortuos;*" et in illum etiam praedictum "*Sanctorum communionem.*" Sed jurisdictio temporalis quantum ad usum, et quantum ad executionem actus non competit ei, unde dictum est Petrus: "*Converte gladium in vaginam*" (Jo. xviii. 11.) Then the speech of the Pope: iste est Archithophel,—scilicet *Petrus Flote*, homo acetosus—homo haereticus censendus etc.—Et volumus, quod hic Archithophel, iste Petrus, puniatur temporaliter et spiritualiter: sed rogamus Deum, quod reservet nobis eum puniendum, sicut justum est. Iste Petrus literam nostram—Regi falsavit, seu falsa de ea confinxit, quia nescimus bene, an literam falsaverit:—imposuit Nobis, quod Nos mandaveramus Regi, quod recognosceret regnum a Nobis.—Dicimus, quod in nullo volumus usurpare jurisdictionem Regis:—non potest negare Rex, seu quicumque alter fidelis, quin sit nobis subiectus ratione peccati (compare above note 7.) Si vero per omnia ista Rex non resipiscat; nolit nos ponere ad ripam, quod non sustineremus, sed pro tempore futuro responderemus ei juxta stultitiam suam. Nos scimus secreta regni: nihil latet nos: omnia palpavimus: et nos scimus, quomodo diligunt Gallicos Alamanni et illi de Lingadoch et Burgundi, qui possunt dicere illis, quod b. Bernardus dixit de Romanis: "*Amantes neminem amat vos nemo.*" Unde pareatur in hoc nobis, fratres nostri, quod si Rex non resipiscat et nolit desistere ab ineptis, nec permittat venire Praelatos, in hoc non crede-

which were afterwards published in the famous Bull *Unam Sanctam* (18. Nov. 1302.)²⁶ Soon after, indeed, the Cardinal

remus eis quomodo puniremus. *Praedecessores nostri deposuerunt tres Reges Franciae*:—et licet Nos non valeremus pedes nostrorum praedecessorum, tamen cum Rex commisit omnia, quae illi commiserunt et majora, nos deponeremus Regem ita sicut unum garcionem, licet cum dolore et tristitia magna etc. Here and in note 24, on the Pope's side, the maxims Regem de regno suo Papae subesse temporaliter, recognoscere debere regnum suum a Papa were disclaimed as misrepresentations of P. Flote, on the other hand the maxim Regem in temporalibus subesse Papae scil. ratione peccati was fully adopted, and herewith is no indication, that the Brief *Deum time* (note 21, no. v.) was a forgery. Though Baillet p. 143 and Schröckh, Th. xxvi. 565, 570, think that both maxims have the same meaning, and that on this account the Pope had at one time asserted, and at another denied the same statement: still de Marca de conc. Sac. et Imp. lib. iv. c. 16, § 5, has the right meaning.

²⁶ In Rayn. ann. 1302, no. 13, and in the Extravagantt. comm. lib. i. tit. 8. c. 1: *Unam sanctam Ecclesiam catholicam et ipsam apostolicam urgente fide credere cogimur et tenere*.—Igitur Ecclesiae unus et unicae unum corpus, unum caput, non duo capita, quasi monstrum, Christus videlicet et Christi vicarius Petrus, Petrique successor.—In hac ejusque potestate duos esse gladios, spirituales videlicet et temporales, evangelicis dictis instruimur. Nam dicentibus Apostolis “*Ecce gladii duo hic*” (Luc. 22, 38), in Ecclesia scilicet: cum Apostoli loquerentur, non respondit Dominus, nimis esse, sed satis.—Uterque ergo est in potestate Ecclesiae, spiritualis scil. gladius et materialis. Sed is quidem pro Ecclesia, ille vero ab Ecclesia exercendus. Ille sacerdotis, is manu Regum et militum, sed ad nutum et patientiam sacerdotis (according to Bernard de consid. iv. c. 3, see above § 54, note 1.) Oportet autem gladium esse sub gladio, et temporalem auctoritatem spirituali subijci potestati: nam cum dicat Apostolus “*Non est potestas nisi a Deo, quae autem sunt a Deo ordinatae sunt*” (Rom. xiii. 1); non autem ordinatae essent, nisi gladius esset sub gladio.—Nam veritate testante spiritualis potestas terrenam instituere habet, et judicare, si bona non fuerit. Sic de Ecclesia et ecclesiastica potestate verificatur vaticinium Hieremiae: “*Ecce constitui te hodie super gentes et regna*” et caetera quae sequuntur (Jer. i. 10.) Ergo si deviat terrena potestas, judicabitur a potestate spiritali; sed si deviat spiritalis minor, a suo superiori; si vero suprema, a solo Deo, non ab homine poterit judicari, testante Apostolo: “*Spiritalis homo judicat omnia, ipse autem a nemine judicatur*” (1 Cor. ii. 15.)—Quicumque igitur huic potestati a Deo sic ordinatae resistit, Dei ordinationi resistit; nisi duo, sicut Manichaeus, fingat esse principia.—Porro subesse Romano Pontifici, omni humanae creaturae declaramus, dicimus, definimus et pronunciamus omnino esse de necessitate salutis (according to Thom. Aquin. opusc. contra errores Grace. fol. 9: Ostenditur enim, quod subesse Romano Pontifici sit de necessitate salutis.)

John made his appearance as Papal Legate in France, to offer the Pope's favour again upon the most unreasonable conditions;²⁷ but when Philip refused to yield to these, excommunication followed (13. April 1303.)²⁸

The breach was now irreparable, and both parties endeavoured to strengthen themselves by alliances. Philip concluded peace with Edward (20. May 1303.)²⁹ Boniface, forgetting that pontifical consistency which commanded the respect of nations from its very inflexibility, by the ratification of the peace betwixt Charles of Naples and Frederick of Sicily (12. June 1303) obtained in the latter a new vassal,³⁰ and sought, by the recognition of Albert as King of Germany (30. April 1303), whom he had hitherto resolutely disowned, to raise up a powerful adversary to the King of France.³¹

²⁷ The conditions are in Du Puy, p. 89 ss. Rayn. ann. 1303 no. 34, and ann. 1311 no. 36.

²⁸ The sentence of excommunication is in Du Puy, p. 95. Bulaeus, iv. 38.

²⁹ So early as 8. Nov. 1302, Philip protested in a Patent (in Dumont corps universel Diplomatique i. 333) against all further mediation of the Popes. The treaty of peace itself is in Rymer-Clarke I. ii. 952.

³⁰ Compare above § 58, note 16. After the death of Alphonso, King of Arragon, in 1291, James, King of Sicily succeeded him. When he gave up Sicily, in a treaty of peace with Charles II. of Naples (1295), the Sicilians chose his brother Frederick for their King. After a long and fruitless war, Charles II. was obliged to make peace with him 1302. (Rayn. ad h. a. no. 2 ss.): Boniface would not at that time confirm the treaty; however, he released Frederick from his excommunication (Rayn. l. c. no. 5 ss.) Now follows his confirmation as Rex Trinacriae. Rayn. ann. 1303 no. 24: *Fredericus Siciliae insulam—in vita sua habebit, tenebit et possidebit a nobis et sub nobis,—sub annuo censu trium millium unciarum auri,—et sub servitio centum militum equis et armis munitorum decenter et bene, quando-cunque nos vel successor noster—asseruerit, eis Ecclesiam indigere Romanam.—Fredericus—habebit inimicos et Romanae Ecclesiae pro inimicis suis,—quinimo—ad nostrum—mandatum intendit persequi toto posse.* After Frederick's death the island was to be surrendered to Charles II.

³¹ Bonif. epist. ad Albert. dd. 30. Apr. 1303 in Rayn. ad h. a. no. 2 ss.: *auctoritate apostolica et apostolicæ plenitudine potestatis te in specialem filium nostrum recipimus et Ecclesiae Romanae, ac in Regem Romanorum assumimus, in Imperatorem, auctore Domino, promovendum,—supplentes omnem defectum, si quis aut ratione formæ, aut ratione tuæ vel tuorum electorum personarum, seu ex quavis alia ratione vel causa, sive quocunque modo in hujusmodi tua electione, coronatione ac administratione fuisse noseatur. Omnia insuper et*

Philip now summoned the States a second time (13. June 1303), in order to represent to them, by means of the heaviest accusations against the Pope, the necessity of calling together a general council, and of making a solemn appeal from the reigning

singula, per te vel alios de mandato tuo facta et habita in administratione praedicta, quae alias justa et licita extitissent, ita valere decernimus et tenere, sicut si administratio ipsa tibi competiisse legitime nosceretur. Boniface develops an entirely new system of civil rights, in the speech in council, by which he announces Albert's confirmation (ed. Baluzius under P. de Marea de conc. Sac. et Imp. lib. ii. c. 4, in Böhmer's edition, p. 103 s.): *Fecit Deus duo luminaria magna etc.* (Gen. i. 16) —scil. solem i. e. ecclesiasticam potestatem, et lunam h. e. temporalem et imperialem, ut regeret universum. Et sicut luna nullum lumen habet, nisi quod recipit a sole, sic nec aliqua terrena potestas aliquid habet, nisi quod recipit ab ecclesiastica potestate. Licet autem ita communiter consueverit intelligi, nos autem accipimus hic Imperatorem solem, qui est futurus, et hoc est Regem Romanorum, qui promovendus est in Imperatorem, qui est sol, sicut Monarcha, qui habet omnes illuminare, et spiritualem potestatem defendere.—Vicarius Jesu Christi et successor Petri potestatem Imperii a Graecis transtulit in Germanos, ut ipsi Germani—possint eligere Regem Romanorum, qui est promovendus in Imperatorem et monarcham omnium Regum et Principum terrenorum. *Nec insurgat hic superbia Gallicana, quae dicit, quod non recognoscit superiorem. Mentuntur: quia de jure sunt et esse debent sub Rege Romano et Imperatore.* Et nescimus, unde hoc habuerint, vel adinvenierint, quia constat, quod Christiani subditi fuerunt monarchis Ecclesiae Romanae et esse debent.—Et nos volumus, quod quicumque evangelizaverit aliud, anathema sit.—Then follows his confirmation of Albert. Venit quidem tempus, ut constituamus eum super gentes et regna, ut evellat et destruat, dissipet et dispergat, et aedificet et plantet.—Sicut enim pater dedit filio potestatem non in tempore, sed in aeternitate, sic Christo homini et Christi vicario dedit potestatem in tempore, ut ipse habeat jus constituendi Imperatorem, et Imperium transferendi. Et attendant hic Germani, quia, sicut translatum est Imperium ab aliis in ipsos, sic Christi vicarius, successor Petri habet potestatem transferendi Imperium a Germanis in alios quoscunque, si vellet, et hoc sine juris injuria. An expression of hope that Albert would imitate his father Rudolph. Si autem ipse vellet contrarium facere, non posset: quia nos non habemus alas nec manus ligatas, nec pedes compeditos, quin bene possimus eum reprimere et quicumque alium Principem terrenum. Quidam enim Principes faciunt colligationes suas. Et audacter dicimus, quod si omnes Principes terreni essent hodie colligati contra nos et contra Ecclesiam istam, dum tamen nos haberemus veritatem, et staremus pro veritate, appretiaremur eos unam festucam. Et sine dubio si veritatem et justitiam non haberemus, bene timeremus.—Igitur faciat bene Rex. Quia si bene defendat et recuperet jura sua et jura Regni et Imperii, audacter dicimus, quod nos defendemus plus jura sua quam nostra, et hoc contra quicumque de mundo, et per nos

Pontiff' to its decree.³² All the lingering religious scruples of

firmabitur sententia sua et non flectetur. In an especial brief, the Pope annulled all treaties which Albert had made with other princes. (Rayn. 1303. no. 7.) Albert, in return, engaged, in a letter dated Nurenberg 17. Jul. (Rayn. l. c. no. 8), to render the most humble obedience; he formally acknowledged, quod Romanum Imperium per sedem apostolicam de Graecis translatum est in persona magnifici Caroli in Germanos, et quod jus eligendi Romanorum Regem. in Imperatorem postmodum promovendum, certis Principibus ecclesiasticis et saecularibus est ab eadem sede concessum, a qua Reges et Imperatores, qui fuerunt et erunt pro tempore, *recipiunt temporalis gladii potestatem* ad vindictam malefactorum, laudem vero bonorum; he repeated all the oaths of his father Rudolph (see above § 58, note 8), but in a new form undoubtedly prescribed by Rome, and with the important addition: paratum me offero, vos et apostolicae sedis primatum ac jura, et libertates vestras ac dictae sedis contra omnem hominem defendere et tueri, et esse contra quosunque hostes et rebelles, adversarios seu inimicos sedis ejusdem, cujusunque fuerint praecminentiae, ordinis, dignitatis et status, etiamsi regali vel imperiali praefulgeant dignitate; nec cum talibus—foedus ineam, nec servabo, si quod forsan inivi;—quin potius ad mandatum vestrum—successorumque vestrorum—talibus guerram movebo, et pro posse impugnabo eosdem. However, Albert would not be led to join in the intended offensive war with France. According to Trithemii chron. Hirsau. ad ann. 1301 (tom. ii. p. 86) he made this answer to the Pope, who offered him the kingdom of France: antiqua Regum provisione cautum, ne post divisionem Regni Francorum, quae facta est post mortem Caroli Imp. magni, Rex Francorum Orientalium i. e. Theutonicorum sibi violenter regnum usurpet vel inquietet Gallorum, nec quisquam Regum Galliae—Regnum Theutonicorum, aut Imperium sibi quomodolibet usurpet Romanum. Unde cum ea Principum constitutio eatenus permanserat inviolata, sibi non videretur honestum, si primus ipse eam temeraverit.

³² So early as the 12th March the new keeper of the zeal, William of Nogaret, had come forward with an accusation against the Pope (Du Puy p. 56), and when the states were summoned had produced this as a reason for assembling a general council. In this session of the states four Barons, of whom Guil. de Plessejano was spokesman, came forward as accusers of the Pope. Their 29 heads of accusation are in Du Puy p. 101. Bulaeus iv. 41. The Pope was charged with being haereticus perfectus: 1. Quia non credit immortalitatem—animarum rationalium.—4. Item quod fideliter non credit, quod verbis a Christo institutis, a fidei et recte ordinato Presbytero dictis in forma Ecclesiae super hostiam, fit ibi corpus verum. Et hinc est, quod nullam reverentiam vel modicam ei facit, cum elevatur a Sacerdote, nec ei assurgit, imo vero tergo assistit, et magis se honorari, et locum ubi sedet, ornari facit, quam altare ubi hostia consecratur.—9. Item ut suam damnatissimam memoriam perpetuam constituat, fecit imagines suas argenteas erigi in Ecclesiis, per hoc homines ad idolatrandum inducens.—12. Item publice praedicavit, Papam Rom. non posse committere simoniam,

the people were thrown down by these charges, and the French nation drew itself up in firm array on the side of its King for the impending struggle.

William of Nogaret, Keeper of the King's Seal, was sent to Rome, there to announce this resolution: while Boniface, from his retreat at Anagni, hurled new Bulls against France.³³ However on the 7th Sept. 1303 an attack was made upon him here, by Nogaret and Sciarra Colonna; he was personally maltreated by the latter, and taken prisoner. The townsmen of Anagni

quod est haereticum dicere.—18. Item compulsi sacerdotes aliquos, ut sibi revelarent confessiones hominum, et eas postea absque confidentium voluntate—publicavit.—20. Item statum et Ordinem Cardinalium deprimit et depressit, et Ordinem Monachorum nigrorum et alborum, fratrum Minorum et Praedicatorum, de quibus dixit multotiens, quod mundus perdebatur per ipsos, et quod falsi hypocritae erant etc.—21. His hatred against France; even before his accession to the see he had said quod, si esset Papa, potius vellet totam Christianitatem subvertere, quin Nationem destrueret, quam appellat superbiam Gallicorum.—22. For this reason he had sought to hinder peace betwixt France and England, and wisht to unite himself with Frederick of Sicily against Charles II. of Naples. Confirmavit etiam Regem Allemaniae in futurum Imperatorem, et publice praedicavit, quod hoc faciebat, ut destrueret Nationem, quam vocat superbiam Gallicorum, qui dicebant, se non subesse alicui temporaliter, dicens quod de hoc mentiebantur per gulam, declarando, quod quicumque, etsi Angelus de caelo descendens sit, dixerit, quod non subsint eidem et Regi Allemaniae, quod anathema sit (above note 31). Et tamen antea saepius dixerat publice,—quod ille erat proditor domini sui, et quod ipsum proditoraliter interfecerat, et non erat dignus dici et nominari Rex, nec debite electus (above note 15 and 18). Et inter eundem et Regem Franciae accordata pro bono pacis, in quibus jus utriusque salvaretur, dissolvit etc. The other heads of accusation relate to his unchastity, magic arts, sodomy, cruelty, his conduct to his predecessor, Celestine, and so forth. Thereupon the King submitted to the States his Deed of Appeal (Du Puy p. 107. Bulaeus iv. 45: ad praedictum generale Concilium, quod instanter convocari petimus, et ad verum legitimum futurum summum Pontificem vel alios, ad quem vel ad quos fuerit appellandum, provocamus et appellamus.) All estates and corporations, also the Prelates, Universities, and religious houses, in more than 700 deeds of assent, supported this appeal. (Bulaeus iv. 46. Du Puy p. 112.)

³³ The Bulls dated Anagninae 18. Kal. Sept. I. In all French Universities the right of granting academical degrees was suspended. Rayn. 1303 no. 38. Du Puy p. 163. Bulaeus iv. 54. II. The spiritual corporations were deprived of the right of election II. cc.—III. Against the French accusations and the appeal. Du Puy p. 166. Bulaeus p. 55 ss.—IV. The suspension of the Archbishop of Nicosia, qui ipsum Regem callidis commentis ad hujusmodi rebellionem instigat,

rescued him indeed; but a violent sickness, the consequence of that outrage, forthwith carried him off († 11. Oct. 1303).³⁴

Not the least injury, which the Papal see suffered from the unbounded assumptions of Boniface VIII., was that the Pope's flatterers allowed themselves to be carried away by them to the most offensive statements of his secular supremacy,³⁵ while

Rayn. l. c. no. 37. Du Puy p. 162.—V. in Rayn. l. c. no. 40. Du Puy p. 161: statuimus, ut citationes auctoritate apostolica de quibuscunque personis, undecunque et ubicunque sint, cujuscunque status,—etiam si imperiali aut regali fulgeant dignitate, praesertim si impediunt, ne citationes ipsae ad eos perveniant,—factae in audientia literarum nostrarum aut in aula nostri palatii, postmodum affigendae januis majoris Ecclesiae loci, in quo Romana—residebit curia,—arcent citatos,—sicut si ipsas personaliter apprehendissent.—Lastly, on the 8th Sept. the Bull of dethronement which had been already prepared (in Rayn. 1311 no. 44. Du Puy. p. 181. Bulaeus iv. 57) would have been published, had not Nogaret's sudden attack prevented it.

³⁴ Villani hist. Fiorent. lib. viii. c. 63. Bern. Guido in vita Bonif. VIII. in Murat. III. i. 672. Even Nogaret (Litterae super excusationibus Dom. Guil. de Nog. in Du Puy p. 249) quotes the saying, He shall die like a dog, as a prediction already current in Boniface's lifetime. After his death it was put into the mouth of his predecessor Celestine, see Matthæus Westmonasteriensis (about 1377) flores historiarum p. 447:

Vulpes intravit, tanquam leo pontificavit,
Exiit utque canis, de divite factus inanis.

³⁵ Compare the second part of the work, De Regimine Principum, among the works of Thomas Aquinas, of which books i. and ii. belong to S. Thomas himself, according to the researches of de Rubeis (Thomae opp. ed. Venet. xix. 513) books iii. and iv. were written close after the year 1298. Lib. iii. c. 10: Cum Christo secundum suam humanitatem omnis sit collata potestas, ut patet in Matth. 16, 18, dictam potestatem suo communicavit vicario, cum dixit: *ego dico tibi, quia tu es Petrus etc*—Merito summus Pontifex, Romanus Episcopus, dici potest Rex et Sacerdos. Si enim Dominus noster Jesus Christus sic appellatur,—non videtur incongruum suum vocare successorem.—Corporale et temporale ex spirituali et perpetuo dependet, sicut corporis operatio ex virtute animae. Sicut ergo corpus per animam habet esse, virtutem et operationem,—ita et temporalis jurisdictio Principum per spiritualem Petri et successorum ejus.—Cap. 16: Rex noster Christus Principes saeculi permisit dominari et eo vivente, et eo moriente, ad tempus, quousque videlicet suum regnum esset perfectum, et ordinatum in suis fidelibus, operationibus virtuosis, et eorum sanguine laureatum.—Oportuno igitur tempore, ut manifestaretur mundo regnum Christi compositum, virtus Principis nostri Jesu Christi Principem mundi sollicitavit, Constantinum videlicet, percutiens eum lepra, ac ipsum curans supra humanam virtutem. Qua probata in dominio cessit vicario Christi,

the writers of the opposite side, were roused to their first endeavour to set limits to the Papal power.³⁶ Accordingly the

beato videlicet Sylvestro, cui de jure debebatur, ex causis et rationibus superius assignatis: in qua quidem cessione spirituali Christi regno adjunctum est temporale, spirituali manente in suo vigore.

³⁶ Foremost is Ægidii de Columna (he came from Rome, and so is also called Ægid. Romanus, an Augustine monk, after 1296 Archbishop of Bourges † 1316) *quaestio in utramque partem disputata de potestate regia et pontifica*, annexed to the two forementioned short letters of the Pope and King (see above note 21 v.) in Goldasti *monarchia sancti Romani Imperii* ii. 95. He sets himself to answer the question: utrum summus Pontifex plenam jurisdictionem et ordinariam potestatem habeat tam in temporalibus quam in spiritualibus, ita quod omnes Principes temporales subsint ei quantum ad temporalia? and demonstrates on the other hand 1, quod utraque potestas spiritualis et temporalis a Deo est instituyente et ordinante; 2, quod istae duae potestates distinctae sunt et divisae; 3, quod Deus spirituales potestatem instituens, nullum contulit ei dominium terrenorum; 4, in quibus terrena potestas sit subjecta spirituali potestati, et in quibus non. 5, Libertas et exemptio Regis Franciae, quare et qualiter nullum superiorem in temporalibus recognoscit.—Yet more diffuse is Johannis de Parrisiis (a Dominican monk in Paris † 1306) tractatus de potestate regia et papali in Goldast l. c. p. 108. e.g. a cap. viii. quod Papa non habet jurisdictionem a Christo in bonis laicorum, quia Christus non habuit eam. Cap. xi. Evasiones quorundam dicentium, potestatem saecularem esse a Papa et in Papa, cum eorum reprobatione. Cap. xii.—xxi. Rationes dicentium, Papam habere jurisdictionem in temporalibus bonis, and the refutation of them. Cap. xxii. De donatione Constantini, upon which the members of the Curia grounded their proof, Quod summus Pontifex Imperator est, et dominus mundi. et quod potest Reges constituere et destituere, sicut Imperator. In answer to this it was remarked among other things, quia dicta donatio nihil valuit propter quatuor, quae in *Glossa juris civilis* ponuntur (cf. Ægidius de Columna: de ista donatione Constantini dicunt Juristae communiter, quod non valuit multiplici ratione.) According to the legal title adduced from the *Glossa* (see above, § 54, note 4) we find further: Quod vero [donatio illa] Deo displicuerit, ex hoc sumitur argumentum quod legitur in vita b. Sylvestri Papae, quod in donatione illa audita est vox angelorum dicentium in aëre: "*Hodie in Ecclesia venenum effusum est.*" Item b. Hieronymus dicit de isto Constantino, quod *ab ipso usque in praesens tempus Ecclesiarum rapinae et totius orbis discordia secuta est.* Dicit etiam Hieron. de eodem, quod *in tantam crudelitatem postea versus est, ut filium suum Crispum interficeret, et uxorem suam Faustam: extremo etiam tempore vitae suae ab Eusebio Nicomediae baptizatus est: et sic bis baptizatus fuit, et amplius in Arianum dogma declinavit etc.*—Beside this Gaul undoubtedly belonged to the Western Empire, but not the Franks, who were descended from the Trojans, and came under Antenor to Pannonia.

consideration of these events strengthened the conviction, not only in France but in other nations also, that secular power was pernicious in the hands of a priest.³⁷

³⁷ We have the opinion of two poets of the time on this point. Dante Alighieri († 1321) *Purgatory*, canto xvi. v. 97 ss, according to Wright's translation. The vision falls in the year 1300, so one cannot fail to recognize Boniface VIII., and his acts and endeavours :

Laws are these ; but who keeps the laws in view ?
 For know,—the Shepherd who the flock doth lead
 Parts not the hoof, although the cud he chew.
 And hence it is, the tribe who see their guide
 Aim at the good they value most, do feed
 On that alone, nor care for aught beside.
 Ill guidance, as ye plainly may descry,
 Hath led the world in wicked paths astray ;
 And not your nature's bad propensity.
 To Rome, which taught the ancient world good deeds,
 Two suns were wont to point the twofold way,
 That of the world, and that to God which leads.
 The one hath quencht the other,—with the crook,
 The sword is joined ; and scarce it need be told
 How ill the twain such combination brook,
 Since one no longer doth the other curb.
 Look to the grain, if credit thou withhold,
 For by its fruit is known each several herb.
 The country washt by Ædice and Po
 For courtesy and valour once was famed,
 Ere Frederick had sustained his overthrow.
 Securely there may pass the villain now,
 Who dared not erst have shown his face, ashamed
 To talk with good men and confront their brow.
 Still live these three, in whom the olden time
 Reproves the vices of these latter days—
 And much they wisht to reach a happier clime—
 Currado da Palazzo, good Gherard,
 And da Castel, who in the Frenchman's phrase
 Is called more properly the plain Lombard.
 Know then—Rome's Church oppressed by too much weight,
 Confounding the two governments, hath brought
 Herself into the mire with all her freight.*

Ottocar v. Horneck, a Steiermarker, about 1309, *Reimechronik*, cap. 448 (in H. Pezii scriptt. rer. Austr. III. 446) :

Ey Kaiser Constantin,
 War tet du dein Sin,

* I have substituted this translation made from the original by Ichabod Charles Wright, M.A., published in London, 1836, for that of K. Streckfuss. Halle, 1825, 8, quoted by the author.—T.

Even in Rome the feeling that Boniface had gone too far was general.³⁸ And when Philip and the French nation continued to press for a Council,³⁹ Benedict XI. found himself so much the

Do du den Phaffen geb
 Den Gewalt und daz Urleb,
 Daz Stet, Purger und Lant
 Untertanig irr Hant
 Und irm Gewalt schold wesen?
 Gaistlicher Zuchte-Pesem
 Ist nu ze scharff worden.
 Du soldest in dem Orden
 Die Phaffen haben lan,
 Als sein Sand Peter began:
 Daz wer hoher Miete (reward) wert.
 Waz woldestu daz Swert
 Den Phaffen zu der Stol geben,
 Die damit nichts chunnen leben,
 Noch ze Recht chunnen walten,
 Lazzen und behalten,
 Als man mit dem Swert sol?
 Daz chunnen si nicht wol,
 Sie habent ez vergramaziert (received with grand merci),
 Und daz Reich veriert (destroyed)
 Maniger Ern und Gewalt,
 Deu ym vor waz bezalt.
 Constantin nu sich an,
 Hetets Du ze Latran
 Den Pabst den Salter (Psalter) lazzen lesen,
 Und den Chaiser gewaltig wesen,
 Als er vor deinen Zeiten was,
 So wer unser Spiegel-Glasz,
 Akersz (Acre or Ptolemais) deu werd Stat,
 Nicht verlorn so drat (quickly.)

³⁸ Albericus de Rosate (Jurist at Bergamo † 1354) tells us in his *Lectura super Cod. lib. vii. tit. 39.* De quadriennii praescriptione l. 3. Bene a Zenone: Audivi a fide dignis, quod tempore Bonifacii VIII. quidam Cardinalis de ordine Cisterciensium, homo maximae reputationis et scientiae, quadam festivitate dum sermocinaretur in conclusione dixit, quod per eosdem passus et gradus, per quos Ecclesia ascenderat in temporalibus, descenderet usque ad extremam paupertatem Sylvestri, et, quod ad hoc adduxit validas rationes et auctoritates divinae Scripturae.

³⁹ Compare la supplication du pueuble de France au Roy contre le Pape Boniface le VIII., not long after the death of the last mentioned (Bulacius iv. 15. Du Puy p. 214): A vous, tres-noble Prince, nostre Sire par la grace de Dieu Roy de France, supplie et requiert le peuple de vostre

more induced to repeal gradually all the decrees issued by his predecessor against France.⁴⁰

But after the death of Benedict XI. († 7. July 1304) the French party among the Cardinals, after a long conclave, contrived to manage that Bertrand d'Agoust, Archbishop of Bordeaux, who had already delivered himself over into Philip's hands by a secret compact, should ascend the Papal throne as Clement V. (5. Jun. 1305),⁴¹ Thus the Papal see fell under the influence of France, and began a fresh career.

Royaume, pourcequ'il li appartient, que ce soit fait, que vous gardiez la souveraine franchise de vostre Royaume, qui est telle, que vous ne recognessiez de vostre Temporel Souverain en terre hors que Dieu, et que vous faciez declairer, si que tout le monde le sache, que le Pape Boniface erra manifestement et fist peché mortel notoirement, en vous mandant par lettres Bullées, qu'il estoit vostre Souverain de vostre Temporel, et que vous ne pouvez prevendes donner, ne les fruits des Eglises cathedrales vacans retenir, et que tous ceux qui croient le contraire, il tenoit pour Hereges.

Item, que vous faciez declairer, que l'en doit tenir ledit Pape pour Herege,—pourcequ'il ne veut cette erreur rapeller, ayant dit moult de fois, qu'en cette creance vivroit et mourroit, et que ja pour nul homme ce ne rappelleroit etc. An interesting historical proof that the priesthood and temporal sovereignty have always been distinct. Ce fut grand abomination a oïr, que ce Boniface, pourceque Dieu dist à saint Pierre "*ce que tu lieras en terre, sera lié au ciel*," cette parole de spirituellement, entendit mallement, comme Boulgare, quant au Temporel, se il mit un homme en prison temporelle, le mist pour ce Dieu en prison en ciel. At the end, Pourquoi il pert raisonnablement, qu'il fut Herege, et en cette herreur mourut, et s'aucun vouloit ledit Boniface excuser de tout cest esclandre etc.—Parquoy que aucun autre ne preigne exemple à faire ainsi, et pourceque la peine de luy face paour aux autres,—vous noble Roy sur tous autres Princes défenseur de la foy, destructeur des Boulgres, puez et devez et estes tenus requerrier et procurer, que ledit Boniface soit tenus et jugiez pour Herege, et punis en la maniere, que l'en le pourra et devra, et doit faire apres sa mort: si que vostre souveraine franchise soit gardé etc.

⁴⁰ See all the Bulls issued with this view in Du Puy, preuves p. 207.

⁴¹ Compare the account given by the writers of the day Ferreti Vicentini (about 1328) hist. suorum temporum in Muratori scriptt. rer. It. ix. 1014 and Giovanni Villani († 1348) histor. Fiorentine lib. viii. c. 80. in Muratori xiii. 415 ss.

2. ECCLESIASTICAL DEVELOPMENT OF THE PAPACY.

§ 60.

PAPAL JURISPRUDENCE.

Spittler's Werke, herausg. v. K. Wächter. i. 305 (Fragm. aus einem zweiten Theile d. Gesch. d. kan. Rechts). J. J. Lang Gesch. u. Institutionen. des Kirchenrechts. i. 215. Eichhorn's Kirchenrecht i. 322. Dess. deutsche Staats-und Rechtsgeschichte (4te Aufl.) ii. 247. Richter's Kirchenrecht (2te Aufl.) s. 135.

The old canon Law was quite displaced at this period by the new Papal rights built upon the foundation of the Pseudo-isidorian principles. After that the Decretals had been intermingled with the Canons by several systematical compilers,¹ and thereby acquired equal authority with them on all points; the Benedictine² Gratian at Bologna, the abode of legal knowledge at that time, essayed a *concordantia discordantium Canonum libb. iii.*,³ (1150),⁴ which naturally enough decided throughout in favour of the new Papal Law.⁵ By means of this work the

¹ On these see Ballerini de ant. collect. canonum P. iv. c. 13 ss. (in Gallandii sylloge ed. Magont i. 640), v. Savigny's Gesch. d. röm. Rechts im Mittelalter ii. 274. Aem. L. Richter's Beiträge zur Kenntniss der Quellen des can. Rechts. Leipzig 1834. H. Wasserschleben's Beiträge zur Gesch. d. vorgratianischen Kirchenrechtsquellen, Leipz. 1839. Among them Burchard, Bishop of Worms († 1025), is remarkable for his Decretorum libb. xx., and Ivo, Bishop of Chartres († 1115), for his Decretum, and the Pannormia, an abridgement from it (against Theiner über Ivo's vermeintl. Decret. Mainz 1832, according to whom the Decretum is the work of some later author, see Wasserschleben s. 47.)

² According to Spittler's Beiträgen s. 4. a Camaldulenser.

³ Commonly called the Decretum Gratiani, see Spittler s. 12.

⁴ According to the Glossa ad c. ii. qu. 6. c. 31. (which is even found in one of the most antient Glossers, Hugo, Bp. of Ferrara († 1210), see Gerhardi Groot sermo in Kisten Royaards Archief voor kerkelijke Geschiedenis ii. 312): anno Dom. MCL. ut ex Chronicis patet.

⁵ For the history of the Decretal, see J. H. Boehmeri diss. de varia decreti Gratiani fortuna publicht before his, Corpus jur. can. Tom. i. (Spittler's) Beiträge zur Geschichte Gratians und seines Decrets, in

Canon Law, together with the Roman Law, became the subject of zealous and scientific study at Bologna and Paris,⁶ and Gratian as well as Justinian had numerous commentators.⁷ But by this means the contradictions of the old and new Law,⁸ which had been but imperfectly adjusted by Gratian, were brought out in such numbers that the Popes were incessantly forced to fresh decisions. Thus countless decretals appeared,⁹ whose daily increasing mass threatened to cause the greatest perplexity,¹⁰ till Gregory IX. caused a systematical code, chiefly

Abele's *Magazin für Kirchenrecht und Kirchengesch.* St. i. (Leipz. 1778. 8.) s. i. ff. (Sarti) *de claris Archigymnasii Bononiensis professoribus* (ed. M. Fattorini. PP. ii. Bonon. 1769 and 72) P. i. p. 247 ss.—On Gratian's mistakes, false and mutilated quotations, reception of forged documents, see Antonii Augustini (Archbishop of Tarragona) *de emendatione Gratiani dialogorum* libb. ii. Tarrac 1587. 4. (cum not. St. Baluzii et G. Mastricht, in Gallandii *de vetustis canonum collectionibus dissertationum sylloge*, ed. Magont. ii. 185). The principal work is C. S. Berardi Gratiani *canones genuini ab apocryphis discreti, corrupti ad emendationum codicum fidem exacti etc.* Taurini. Tomi iv. 1752. 4. Jod. le Platt *diss. de spuris in Gratiano canonibus* (in Gallandii *syll.* ii. 801). J. A. de Riegger *diss. de Gratiani collectione canonum, illiusque methodo et mendis* (in *Oblectam. hist. et jur. eccl.* i. 1). Richter *de emendationibus Gratiani diss.* Lips. 1835.

⁶ Decretistae and Doctores decretorum in opposition to Legistae and Doctores legum. The confirmation of the Decretal by Eugene III. 1152 is most likely fictitious, Spittler s. 14 ff. Eichhorn's *Rechtsgesch.* ii. 255. But even Popes appeal to it, Boehmer *diss.* p. xviii.

⁷ Concerning them Guido Paucirolos *de claris legum interpretibus* (Lips. 1721. 4.) lib. iii. c. 6. Lang *Gesch. u. Instit. des Kirchenrechts.* 1, 259. The most remarkable of these is John Semecca, Provost of Halberstadt (Magister Teutonicus † 1245, see Niemann's *Gesch. v. Halberstadt* 1, 343), from his glosses arose the *glossa ordinaria*, which received its finishing touch from Barthol. von Brixen († 1253.)

⁸ Hence the decree of a Cistercian Chapter in the year 1188 (Martene *thesaur. anecdot.* iv. 1263): *Liber, qui dicitur canonum, sive decreta Gratiani, apud eos qui habuerint secretius custodiantur, ut cum opus fuerit proferantur. In communi armario non resideant propter varios, qui inde provenire possent, errores.*

⁹ Most of them were issued by Alexander III. and Innocent III.

¹⁰ On the collections made before Gregory IX. see Henricus Card. Ostiensis (about 1250) *summa super titulis decretalium* p. 4: *tam ex dictis ss. Patrum quam legibus fuit liber Decretorum compositus.*—Postea vero cum multae decretales epistolae extra corpus Decretorum vagarentur, Mag. Bernardus, Papiensis Praepositus, primum compilationem composuit. Sed et tempore procedente Mag. Guilebertus suam effecit. Aliam etiam et Alanus. Deinde Mag. Bernardus

drawn from the Papal Decretals (Decretalium Gregorii P. ix. libb. v. 1234),¹¹ to be prepared by the Dominican Raymund de Pennaforti; which even in this period of time (1298) was increased under Boniface VIII. by a liber sextus gathered from

Compostellanus, in Curia Romana moram faciens, ex registro domini Innocentii III. quandam compilationem extraxit, quae *Romana* appellata fuit. Sed quia ibi erant quaedam decretales, quas non admittebat Romana Curia, ideo idem Innocentius per manum Petri Beneventani compilationem edidit, quae *tertia* vocabatur. Qua recepta Mag. Johannes Walensis de duabus dictis compilationibus Guileberti et Alani unam compilavit, quae vocabatur *secunda*. Postmodum concilio generali per eundem Innocentium celebrato, tam de constitutionibus generalis concilii quam aliis decretalibus ipsius Innocentii compilatio *quarta* processit. Postremo *quinta* compilatio per Honorium III. facta fuit. Et si ea, quae praemisi, bene attenderis, octo compilationes poteris invenire. Ideo bene congruebat, ut Gregorius IX. faceret opus nonum. Boehmer de decretalium pontificum Romanorum variis collectionibus et fortuna before his Corpus juris can. II. xxiii. A. Theineri comm. de Romanorum Pontificum epistolarum decretalium antiquis collectionibus et de Gregorii IX. P. M. decretalium codice. Lips. 1829. 4. Recherches sur plusieurs collections inédites de décrétales du moyen âge par Aug. Theiner. Paris 1832. 8. Lang s. 228. Eichhorn's Kirchenr. i. 336. His deutsche Rechtsgesch. ii. 259. Richter's Kirchenr. s. 141. Beside the incompleteness which was continually brought to light again and again from the first, we have to remark the wholesale falsifying and forgery of Decretals, of which Innocent III. lib. i. epist. 349. gives nine sorts (comp. Decret. Gregor. lib. V. tit. 20. de crimine falsi and lib. ii. tit. 22. de fide instrumentorum.) Thence the complaints of Stephen Bishop of Tournay (from 1192 to 1200), epist. 251. ad Coelestinum P. iii. (in ed. Car. du Molinet, Paris 1679 p. 366, more correctly in the Notices et extraits des mss. de la biblioth. du Roi X. ii. 101): si ventum fuerit ad judicia, quae jure canonico sunt tractanda,—profertur a venditoribus inextricabilis silva decretalium epistolarum, quasi sub nomine sanctae recordationis Alexandri Papae: et antiquiores sacri canones abjiciuntur, respuuntur, expuuntur—Hoc involuero prolato in medium ea, quae in conciliis ss. PP. salubriter instituta sunt, nec formam concilii, nec finem negotiis imponunt, praevalebantibus epistolis, quas forsitan advocati conductitii sub nomine Romanorum Pontificum in apothecis sive cubiculis suis confingunt et conscribunt. Novum volumen ex eis compactum et in scholis solemniter legitur, et in foro venaliter exponitur, applaudente coetu notariorum, qui in conscribendis suspectis opusculis et laborem suum gaudent imminui, et mercedem augeri.

¹¹ Henricus Ostiensis l. c. Dictus dominus Gregorius tantam confusionem et prolixitatem remove cupiens, ex dictis decretis, decretalibus epistolis, et dictis ss. Patrum, ac legibus antiquis, compilationibus decretalium abrogatis voluit necessaria et utilia redigere in hunc librum.

the later decretals, divided likewise into 5 books.¹² When the Decretals began to be unfolded into a complete legislative system, Professorial chairs were appropriated to them at the Universities;¹³ by means of which the Popes at once acquired a convenient method for the speedy and universal publication of the new laws as they appeared.¹⁴ On the other hand Gratian's Decretal was continually more and more neglected, and together with the use of it disappeared every trace of the antient canon law.

§ 61.

EXTENSION OF THE IDEA OF THE PAPACY.

The Pseudo-isidorian Idea that the Pope was the *Episcopus universalis* of the Church,¹ was now developed by the ambition of the Popes and the cringing flattery of their creatures, favoured by the state of politics and the ignorance of the age,² to a degree never anticipated in former times. Bishops were degraded to be

¹² Eichhorn's *Kirchenr.* i. 345. Richter's *Kirchenr.* s. 143.

¹³ *Decretalistæ* or *Decretistæ*. The *Decretales Gregor.* are indebted for their *glossa ordinaria* to Bernard de Botono from Parma, Canon at Bologna († 1266), see Lang s. 262; the *liber sextus* of John Andrea, Decretalist in Bologna († 1348, see Savigny vi. 87.)

¹⁴ Compare the Brief with which Innocent IV. despatches the decrees, Conc. Lugdun. ann. 1245 *universitati magistrorum et scholarium Bononiae commorantibus* (Mansi xxiii. 651), quatenus eis, quas sub bulla nostra vobis transmittimus, uti velitis amodo tam in judiciis, quam in scholis, ipsas sub suis titulis, prout super qualibet earum exprimitur, inseri facientes.

¹⁵ Rogeri Bacon opus majus (about 1266) ed. Jebb. p. 250. Gratianus multa scripsit jura, quae nunc abrogata sunt, sententia saniore praevalente.

¹ See Part 1. § 20, note 8. Above § 47, note 3.

² Hence it was that the mass of forged evidence, which may be found in Thomas Aquinas, especially in his opuse. *contra errores Graecorum*, could be attributed to the antient Greek Fathers. Thus Cyril of Alexandria in *libro thesaurorum* is represented as having said, among other sayings of the same kind (see Thomas in sent. lib. iv. dist. 24. qu. 3. art. 2): *ut membra maneamus in capite nostro, apostolico throno Romanorum Pontificum, a quo nostrum est quaerere, quid credere, et quid tenere debeamus, ipsum venerantes, ipsum rogantes prae omnibus: quoniam ipsius solius est reprehendere, corrigere, statuere,*

merely vicars of the Pope,³ who had advanced since the time of

disponere, solvere, et ligare loco illius, qui ipsum aedificavit: et nulli alii quod suum est plenum, sed ipsi soli dedit, cui omnes jure divino caput inclinant, et primates mundi, tanquam ipsi Domino Jesu Christo, obediunt. Thomas in his opusc. adv. Graecos, quotes as a canon of the Council of Chalcedon: Si quis Episcopus praedicatur infamis, liberam habeat sententiam appellandi ad beatissimum Episcopum antiquae Romae: quia habemus Petrum patrem refugii, et ipsi soli libera potestate loco Dei sit jus discernendi Episcopi criminati infamiam secundum claves a Domino sibi datas.—Et omnia ab eo diffinita teneantur tamquam a Vicario apostolici throni. See these passages gathered and criticised in J. Launoji lib. i. epist. 1—3. (Opp. V. i. 1.) Other passages were corrupted. S. Augustini de doct. Christ. lib. ii. cap. 8. § 12, reads thus in Gratian P. i. dist. 19. c. 6.: In canonicis scripturis Ecclesiarum catholicarum quamplurimum divinarum Scripturarum solertissimus indagator auctoritatem sequatur, inter quas sane illae sint, quas apostolica sedes habere, et ab ea alii meruerunt accipere epistolas. The genuine text is: In canonicis autem scripturis Ecclesiarum catholicarum quamplurimum auctoritatem sequatur: inter quas sane illae sunt, quae apostolicas sedes habere, et epistolas accipere meruerunt.

³ Bernoldi Constant. apologeticus pro decretis Gregorii VII. (s. § 47 not. 40) cap. 23: quilibet Episcopus nec super gregem sibi commissum tantam potestatem habet, quantam Praesul apostolicus, qui, licet curam suam in singulos Episcopos diviserit, nullo modo tamen seipsum sua universali et principali potestate privavit: sicut nec Rex suam regalem potentiam diminuit, licet regnum suum in diversos duces, comites sive judices diviserit. Cap. 24: His autem rationibus et hoc declaratur, quod cujusvis Episcopi parochianus potius domino Apostolico, quam proprio Episcopo obedire debet. Innocent II. in his opening speech to the second Lateran Council, ann. 1139 (ex chron. Mauriniacensi in Mansi xxi. 534): Nostis, quia Roma caput est mundi, et quia a Romani Pontificis licentia ecclesiastici honoris celsitudo quasi feudalibus juris consuetudine suscipitur, et sine ejus permissione legaliter non tenetur. Innocent III. lib. i. epist. 350: Sic apostolica sedes inter fratres et Coepiscopos nostros pastoralis dispensavit oneris gravitatem, sic eos in creditae sibi sollicitudinis partem assumpsit, ut nihil sibi subtraheret de plenitudine potestatis, quo minus de singulis causis ecclesiasticis inquirere possit, et cum voluerit judicare. Ibid. epist. 495 ad Archiepisc. et Decanum Senonensem and epist. 496 ad Pictav. et Cenoman. Episcopos: Potestatis apostolicae plenitudo longe lateque diffusa, licet ubique praesens potentialiter habeatur, tamen quia ea, quae ad tantum officium pertinent, per se, prout singulis expediret, non valet praesentialiter exercere, tam vos quam alios ministros Ecclesiarum in partem sollicitudinis advocavit, ut sic tanti onus officii per subsidiarias actiones commodius supportetur. For this reason Innocent III. in Decretal. Gregor lib. iii. tit. 8, cap. 5, calls the sphere of the Bishops commissam nostrae sollicitudinis partem. Thomas Aquinas in Sent. lib. ii. dist. 44, qu. 2, in fine: Potestas superior et inferior dupliciter

Innocent III. from being the Vicarius Petri,⁴ to be the Vicarius Dei or Christi:⁵ as such he surrounded himself with a peculiar *possunt se habere*. Aut ita, quod inferior potestas ex toto oriatur a superiori; et tunc tota virtus inferioris fundatur supra virtutem superioris, et tunc simpliciter et in omnibus est magis obediendum potestati superiori, quam inferiori:—et sic se habet potestas Dei ad omnem potestatem creatam; sic etiam se habet potestas Imperatoris ad potestatem proconsulis: sic etiam se habet potestas Papae ad omnem spiritualem potestatem in Ecclesia: quia ab ipso Papa gradus dignitatum diversi in Ecclesia et disponuntur et ordinantur: unde ejus potestas est quoddam Ecclesiae fundamentum, ut patet Matth. xvi. Et ideo in omnibus magis tenemur obedire Papae quam Episcopis, vel Archiepiscopis, vel Monachus Abbati absque ulla distinctione. Potest iterum potestas superior et inferior ita se habere, quod ambae oriantur ex una quadam suprema potestate:—et hoc modo se habent potestates et Episcopi et Archiepiscopi descendentes a Papae potestate.—Papa utriusque potestatis apicem tenet, scilicet spiritualis et saecularis. Idem in Sent. lib. iv. dist. 20. art. 4. solutio 3: Papa habet plenitudinem pontificalis potestatis, quasi Rex in regno: sed Episcopi assumuntur in partem sollicitudinis, quasi iudices singulis civitatibus praepositi. In the speech delivered by Cardinal Portuensis at the Papal Consistory in the year 1302 (see above § 59. note 25) the following passage occurs. Bulaeus iv. 30. A summo Pontifice Episcopi, etiam Archiepiscopi habent determinatam provinciam, et sunt assumpti in partem sollicitudinis: unde habent certam potestatem, summus Pontifex habet plenissimam: nullus est, qui possit eam limitare.

⁴ See part i. § 4. not. 3, 7. § 7. not. 26. Neither did Gregory VII. assume this title in the oath quoted above § 47, note 38, nor even Alexander III. in the treaty of peace with Frederick II. no. 4. (see § 52. note 22.)

⁵ Innocentii III. lib. 1, epist. 326. ad Faventin. Episc. Summus Pontifex non hominis puri, sed veri Dei vere Vicarius appellatur. Nam quamvis simus Apostolorum Principis successores, non tamen ejus aut alicujus Apostoli vel hominis, sed ipsius summi Vicarii Jesu Christi. Unde quos Deus spirituali conjunctione ligavit, non homo, quia non Vicarius hominis, sed Deus, quia Dei Vicarius, separat, cum Episcopos a suis sedibus per eorum cessionem, depositionem et translationem aliquando removemus.—Lib. i. epist. 335. (Decr. Greg. i. tit. 7. c. 3); Non enim homo sed Deus separat, quod Romanus Pontifex, *qui non puri hominis, sed veri Dei vicem gerit in terris*,—non humana sed divina potius auctoritate dissolvit. To this refers the Gloss: Unde dicitur habere caeleste arbitrium (cod. de sum. trin. l. 1. in fi.), et ideo etiam naturam rerum immutat, substantialia unius rei applicando alii (arg. C. communia de leg. l. 2), et de nullo potest aliquid facere (C. rei uxor. act. l. unica in prin. et de consecr. dist. 2. c. 69), et sententiam, quae nulla est, facit aliquam (Caus. iii. qu. 6. c. 10); quia in his, quae vult, ei est pro ratione voluntas (Instit. de jure natur. § sed quod principi i. e. Justiniani instit. lib. i. tit. 2. § 6). Nec est, qui ei dicat, cur ita facis? (De poen. dist. 3. c. 22). Ipse enim potest supra

pomp of sanctity.⁶ Not only did the Legislative power of the Church pass so exclusively into his hands,⁷ that nothing more

jus dispensare (infra lib. iii. tit. 8. c. 4), *idem de injustitia potest facere justitiam, corrigendo jura et mutando* (lib. ii. tit. 28. c. 59. lib. iv. tit. 14. c. 8), et plenitudinem obtinet potestatis (caus. ii. qu. 6. c. 11).

⁶ To this belongs, according to Gregory, *Dictatus 10, quod solius Papae pedes omnes Principes deosculentur*. This was an oriental sign of homage which came into the Western World through Constantinople. It had often been rendered both to Emperors and Bishops. The Popes now claimed it as a proof of allegiance to themselves, just as they demanded from Princes *officium stratoris* (see § 52 note 5), cf. *Lud. Thomassinus vetus et nova Ecclesiae disciplina circa beneficia* P. ii. lib. 3. c. 65. But, 2, still more offensive was the peculiar way in which the Popes received the Lord's Supper, see *Guil. Durantis* (the elder $\frac{1}{2}$ 1296) *rationale divin. offic.* lib. iv. c. 54. § 5: *Ascendens sedem, ibi communicat* (a more particular description is to be found in *Innocent III. de mysterio Missae* lib. vi. c. 9). *Qui in Ecclesia militante summus Pontifex, sicut Christi vicarius et caput omnium Praelatorum, perfectius Christum repraesentat, congruum est, ut ipse non in altari, sed in loco sublimiori communicet*. Compare above § 59. note 32. the fourth charge. Thus also it was customary that the Eucharist should be carried before the Pope, when he went abroad. *Thomassinus* l. c. § 7.

⁷ Gregory VII., even in his day, assigned to the Pope the right of legislating, *Dictatus 7: quod illi soli licet pro temporis necessitate novas leges condere*. *Urbanus II. in Gratian. II. caus. xxv. qu. 1, c. 6: Sunt quidam, dicentes, Romano Pontifici semper licuisse novas condere leges. Quod et nos non solum non negamus, sed etiam valde affirmamus. Sciendum vero summopere est, quia inde novas leges condere potest, unde Evangelistae aliquid et Prophetiae nequaquam dixerunt. Ubi vero aperte Dominus vel ejus Apostoli et eos sequentes sancti Patres sententialiter aliquid definierunt, ibi non novam legem Romanus Pontifex dare, sed potius, quod praedicatum est, usque ad animam et sanguinem confirmare debet. Si enim, quod docuerunt Apostoli et Prophetiae, destruere (quod absit) niteretur, non sententiam dare, sed magis errare convinceretur. Yet the Hildebrand party in the quarrel about investiture, attacked the decree of *Nicolas II.* on the Papal election, with reasons by which the Pope's right of Legislature in general would be greatly weakened, see § 47. note 41. However this opinion continued to gain ground. *Lucas Tudensis* (about 1236) *adv. Albigenes* II. c. 1: *In serinio ejus pectoris totius juris summa consistit. He was imitated by Boniface VIII. Sexti lib. i. tit. 2. c. 1: Romanus Pontifex jura omnia in serinio pectoris sui censetur habere. cf. Thomas Aquinas opuse. contra impugnantes religionem cap. 4: Quod objicitur, quod Romanae sedis auctoritas non potest aliquid condere vel mutare contra statuta sanctorum Patrum, dicendum, quod verum est in illis, quae statuta Sanctorum determinaverunt esse de jure divino, sicut articuli fidei, qui determinati sunt per concilia: sed illa quae sancti**

than a deliberative voice was allowed to councils:⁸ but also he was so entirely master of the laws, that he was not bound by them himself,⁹ and in the case of others, had power to dispense with them *ante factum*,¹⁰ as well as to absolve from oaths.¹¹ At

Patres determinaverunt esse de jure positivo, sunt relicta sub dispositione Papae, ut possit ea mutare, vel dispensare secundum opportunitates temporum vel negotiorum. Sancti enim Patres in conciliis congregati nihil statuere possunt nisi auctoritate Romani Pontificis interveniente, sine qua etiam nec concilium congregari potest. Nec tamen Papa quando aliquid aliter facit, quam a sanctis Patribus statutum sit, contra eorum statuta facit: quia servatur intentio statuentium, etiamsi non servantur verba statutorum, quae non possunt in omnibus casibus et in omnibus temporibus observari, servata intentione statuentium, quae est utilitas Ecclesiae; sicut et in omni jure positivo accidit.—Nec hoc est verum, quod Papa non possit aliquid facere contra Apostolum: dispensat enim cum bigamo, et in poena, quam canones Apostolorum statuerunt Presbytero fornicanti. Ex decreto autem inducto (Urbani ii. see above) non potest amplius haberi, nisi quod Papa non potest destruere canonicam scripturam Apostolorum et Prophetarum, quae est ecclesiasticae fidei fundamentum.

⁸ Paschalis II. ad Archiep. Salonae ann. 1102 (see below § 62. note 4.) Ajunt in conciliis statutum non inveniri, namely the new Metropolitan oath. To this he answered: quasi Romanae Ecclesiae legem concilia ulla praefixerint, cum omnia concilia per Romanae Ecclesiae auctoritatem et facta sint, et robur acceperint, et in eorum statutis Romani Pontificis patenter excipiatur auctoritas. From the time of Innocent III. all decrees of a council, at which the Pope was present, were drawn up in the Pope's name, sacro approbante concilio or sacro praesente concilio. For instance Concil. Lateran. IV. ann. 1215 c. 5: sacra universali Synodo approbante sancimus ut etc.

⁹ Thus it was asserted by many jurists of the 13th century, quod in curia Romana non committitur simonia. Henricus Card. Ostiensis (about 1260) says on this point Comm. in Decret. Greg. lib. v. tit. 4. c. 1: quod omnino verum videtur in his, quae simoniaca sunt, quia prohibita, h. e. ex constitutione canonica, dummodo fiat auctore Principe et sciente. Then in provisions against simony the fundamental principle *non ligat promulgantem*, according to Digest. lib. i. tit. 4, comes into operation. Still he adds: quamvis autem in hoc casu simonia non committatur, adminus tamen infamia non tollitur.—Accordingly, after the time of Innocent IV. the Popes introduced into their bulls the well known formula *non obstante* by virtue of which all opposing rights, laws, and prohibitions were suspended for the occasion. Compare Roberti Ep. Lincoln. epist. below § 62, note 22.

¹⁰ The earlier dispensations did not give veniam canonis infringendi, but only infracti, and were granted by Bishops also. See de Marca lib. iii. c. 14, especially Thomassinus P. ii. l. iii. c. 24—28.) Innocentius iii. lib. xvi. epist. 154 (quoted by Raumer vi. 243 from the Regestis Honor. iii. inedit.): Ascitis aliis in partem sollicitudinis

the same time the doctrine of Papal infallibility began to take shape.¹²

summus Pontifex assumptus est in plenitudinem potestatis: qui cum moderator sit canonum, juri non facit injuriam, si dispensat. Idem (Decretal. Gregor. III. tit. 8. c. 4): secundum plenitudinem potestatis de jure possumus supra jus dispensare. The Gloss upon this says: Nam contra Apostolum dispensat (dist. 34. c. 18) et contra canones Apostolorum (dist. 82. c. 5), item contra vetus testamentum in decimis non dandis (Decret. Gregor. III. tit. 30. c. 10), item in voto (Decret. Greg. III. tit. 34. c. 1), item in juramento (caus. xv. qu. 6. c. 2. Decr. Greg. I. tit. 3. c. 19).—Tamen contra universalem Ecclesiae statum dispensare non potest (caus. xxiv. qu. 1. c. 10), nec potest dispensare, quod monachus habeat proprium (Decr. Greg. III. tit. 35. c. 6), nec contra quatuor Evangelia (dist. xiv. c. 2), nec contra praeceptum Apostoli (caus. xxv. qu. 1. c. 6), quod intelligo in iis, quae spectant ad articulos fidei. Likewise also the Gloss on Caus. xv. qu. 6. c. 2: Dico enim, quod contra jus naturale [Papa] potest dispensare, dum tamen non contra Evangelium vel contra articulos fidei: tamen contra Apostolum dispensat (dist. 34. c. 18. dist. 82. c. 5). Thomas Aquin. quaest. quodlibetalis iv. art. 13: Papa habet plenitudinem potestatis in Ecclesia, ita scilicet, quod quaecumque sunt instituta per Ecclesiam, vel Ecclesiae Praelatos, sunt dispensabilia a Papa. Haec enim sunt quae dicuntur esse juris humani, vel juris positivi. Circa ea vero, quae sunt juris divini, vel juris naturalis, dispensare non potest, quia ista habent efficaciam ex institutione divina.—In solis his quae sunt de lege naturae, et in articulis fidei, et sacramentis novae legis dispensare non potest.

¹¹ Thomas Aquin. in Summa, Secunda Secundae qu. 89. art. 9: Quandoque aliquid sub juramento promittitur, de quo dubium est, utrum sit licitum vel illicitum, proficuum vel nocivum, aut simpliciter, aut in aliquo casu: et in hoc potest quilibet Episcopus dispensare. Quandoque vero sub juramento promittitur aliquid, quod est manifeste licitum et utile: et in tali juramento non videtur habere locum dispensatio vel commutatio, nisi aliquid melius occurrat ad communem utilitatem faciendum, quod maxime videtur pertinere ad potestatem Papae, qui habet curam universalis Ecclesiae, vel etiam absoluta relaxatio, quod etiam ad Papam pertinet in omnibus generaliter, quae ad dispensationem rerum ecclesiasticarum pertinent, super quas habet plenitudinem potestatis.

¹² A doctrine principally grounded on Luc. 22, 32: *Ego autem rogavi pro te, ut non deficiat fides tua.* Thus ere now Leo ix. epist. 55: Quae oratio obtinuit, quod hactenus fides Petri non defecit, nec defectura creditur in throno illius usque in saeculum saeculi etc. Gregorius VII. lib. ii. ep. 1: Ecclesia Romana per b. Petrum, quasi quodam privilegio, ab ipsis fidei primordiis a ss. PP. omnium mater Ecclesiarum adstruitur, et ita usque in finem habebitur semper: in qua nullus haereticus praefuisse dignoscitur, nec unquam praeficiendum, praesertim Domino promittente, confidimus. Ait enim dominus Jesus: *Ego rogavi pro te*

etc. cf. *Dictatus Gregorii* 22. above § 47, note 3. Innocent. III. de consecrat. Pontificis sermo 2: Nisi enim ego solidatus essem in fide, quomodo possem alios in fide firmare, quod ad officium meum noscitur specialiter pertinere, Domino protestante: *ego, inquit, pro te rogavi, Petre etc.* Rogavit et impetravit, quoniam *exauditus est in omnibus pro sua reverentia* (Hebr. v. 7.) Et ideo fides apostolicæ sedis in nulla unquam turbatione defecit, sed integra semper et illibata permansit, ut Petri privilegium persisteret inconcussum. Individual errors of the Popes, which were to be forthwith corrected by the Church, were yet considered in the 12th century to be compatible with this infallibility of the Roman Church or Roman see. Ivo ep. 233: Si vero ea præcipiant (PP. RR.), quæ sint contra doctrinam evangelicam vel apostolicam, ibi eis non esse obediendum exemplo docemur Pauli Apostoli, qui Petro sibi praelato, non recte incedenti ad veritatem Evangelii, in faciem restitit. Gratianus dist. xl. c. 6. *ex dictis Bonifacii martyris*: [Papa] cunctos ipse judicaturus a nemine est judicandus, *nisi deprehendatur a fide devius*: pro cuius perpetuo statu universitas fidelium tanto instantius orat, quanto suam salutem post Deum ex illius incolumitate animadvertit propensius pendere: and so Gratian does not shrink from adding to one passage of Gregory II. Caus. xxxii. qu. 7. c. 18 (see Part I, § 8, note 22.): Illud Gregorii sacris canonibus, imo evangelicæ et apostolicæ doctrinæ, penitus invenitur adversum. So also Innocent III. de consecr. Pont. Sermon 3: In tantum mihi fides necessaria est, ut, cum in caeteris peccatis Deum judicem habeam, propter peccatum, quod in fide committitur, possim ab Ecclesia judicari.—Thomas Aquinas is the first to declare plainly the infallibility of the Pope in matters of faith. Quodlib. ix. art. 16: Judicium eorum, qui præsumunt Ecclesiæ, potest errare in quibuslibet, si personæ eorum, tantum respiciantur. Si vero consideretur divina providentia, quæ Ecclesiam suam Spiritu sancto dirigit, ut non erret, sicut ipse promisit Joan. xiv., quod Spiritus adveniens doceret omnem veritatem, de necessariis scilicet ad salutem; certum est, quod judicium Ecclesiæ universalis errare in his, quæ ad fidem pertinent, impossibile est. Unde magis est standum sententiæ Papæ, ad quem pertinet determinare de fide, quam in iudicio profert, quam quorumlibet sapientum hominum in Scripturis opinioni, cum Caiphas, quamvis nequam, tamen quia Pontifex, legatur etiam inscius prophetasse Joan. xi. In aliis vero sententiis, quæ ad particularia facta pertinent, ut cum agitur de possessionibus, vel de criminibus, vel de huiusmodi, possibile est iudicium Ecclesiæ errare propter falsos testes. Canonizatio vero Sanctorum medium est inter hæc duo: quia tamen honor, quem Sanctis exhibemus, quaedam professio fidei est, qua Sanctorum gloriam credimus; pie credendum est, quod nec etiam in his iudicium Ecclesiæ errare possit.—Ergo dicendum, quod Pontifex, cuius est canonizare Sanctos, potest certificari de statu alicujus per inquisitionem vitæ, et attestationem miraculorum, et præcipue per instinctum Spiritus sancti. Idem in Summa. Secunda Secundæ qu. 1. art. 10: Ad illius ergo auctoritatem pertinet editio symboli, ad cuius auctoritatem pertinet finaliter determinare ea quæ sunt fidei, ut ab omnibus inconcussa fide teneantur. Hoc autem pertinet ad auctoritatem summi Pontificis, ad quem majores et difficiliore

§ 62.

EXTENSION OF THE POWER OF THE PAPACY IN THE CHURCH.

The extension of the ecclesiastical power of the Popes, as well in its external as in its internal relations, was the result of the development of this idea. In the eleventh century the Spanish¹

Ecclesiae quaestiones referuntur.—Unde et Dominus Luc. xxii. 32. *Petro dicit, quem summum Pontificem constituit: Ego pro te rogaui, Petre, ut non deficiat fides tua: et tu aliquando conversus confirma fratres tuos.*—Et ideo ad solam auctoritatem summi Pontificis pertinet nova editio symboli, sicut et omnia alia, quae pertinent ad totam Ecclesiam, ut congregare Synodum generalem, et alia hujusmodi:—ejus auctoritate Synodus congregatur, ut ejus sententia confirmatur.

¹ *Historia Compostellana* (written in the beginning of the 12th century) ii. 1, in *Florez España sagrada* xx. 253: Before this time almost the whole of Spain was rude and unlettered. Nullus equidem Hispanorum Episcopus sanctae Romanae Ecclesiae matri nostrae servitii aut obedientiae quidquam tunc reddebat. Hispania Toletanam, non Romanam legem recipiebat. Sed postquam Adelfonsus (VI. King of Castile, Asturia, Leon, Galicia, and a part of Portugal, 1065—1109), Rex bonae memoriae, Romanam legem Romanasque consuetudines Hispanis contradidit, ex tunc, utcumque oblitterata quadam nebula inscientiae, sanctae Ecclesiae vires in Hispanis pullulare coeperunt. Quid enim memorem, rudes et imperitos anteriores Ecclesiae b. Jacobi fuisse Praelatos? Tempore siquidem Toletanae legis quidam Cardinalis atque Legatus s. Rom. Ecclesiae venit in Hispaniam.—Cumque venisset in Gallaeciam, nuncios suos, ut decebat, ad Episcopum loci illius Compostellam praemisit. Episcopus autem Compostellanus accersito uno de thesaurariis Ecclesiae b. Jacobi, ecce, inquit, *adest Cardinalis Romanae Ecclesiae; vade, et quantum obsequii impendit tibi Romae, tantumdem impendas ei Compostellae: quantum famulata est tibi Romana Ecclesia, tantumdem famuletur ei Compostellana Ecclesia.* The annexation to Rome was made particularly painful by the exchange of the Mosarabic for the Roman liturgy: to this end Gregorii VII. lib. i. ep. 64 ad Alphonsum Castellae et Sancium Aragoniae Reges ann. 1074 (Mansi xx. 110): Quapropter ut filios carissimos vos adhortor et moneo, ut vos sicut bonae soboles, *etsi post diuturnas scissuras*, demum tamen ut matrem revera vestram Romanam Ecclesiam recognoscatis, in qua et nos fratres reperiatis, Romanae Ecclesiae ordinem et officium recipiatis, non Toletanae, vel cujuslibet aliae, sed istius, quae a Petro et Paulo supra firmam petram per Christum fundata est. King Alphonso first submitted the question to the ordeal—but although trial by single combat, and after that, trial by fire, had decided in favour of the Mosarabic liturgy, still the King decided nevertheless for the Roman. (Rodericus, Archbishop of Toledo, † 1245, de rebus Hispanis vi. 26.) The necessity of uniting with the rest of western Christendom, in order

churches in the eleventh and twelfth the Irish-Scotch,² and the Milanese Churches³ gave in their submission. The oath of

to carry on their war with the Moors, worked most powerfully on the Kings of Spain. The French ecclesiastics, who at this time were advanced in great numbers to the higher spiritual dignities in Spain, confirmed the adhesion to Rome, see Rosseeuw Saint-Hilaire in the *Mémoires de l'académie royale des sciences morales et politiques*. T. 1. *Savants étrangers* (Paris 1841. 4) p. 831.

² See vol. i. Part 2. § 133 not. 16—19. The Scottish Church had already given up before this time her contest with the Anglo-Roman Church, and had joined with her in communion, she retained, however, her antient discipline, which was independent of Rome, and her Liturgy, until King David I. (1124—1153) introduced Canons instead of the Culdees into the Cathedral Churches (an historical account of the antient Culdees, by John Jamieson, Edinburgh 1811. 4. p. 252), the Culdees were thrown into the background by the Canons, and only suffered to retain their office till they should die out. Compare *Historia b. Reguli*, written about 1140, in Jamieson p. 383: *Habebantur tamen in Ecclesia s. Andrea, quota et quanta tunc erat, tredecim per successionem carnalem quos Keledeos appellant, qui secundum suam aestimationem et hominum traditionem magis quam secundum sanctorum statuta Patrum vivebant. Sed et adhuc similiter vivunt.*—Postquam Keledei effecti sunt, non licet eis habere uxores suas in domibus suis, sed nec alias, de quibus mala oriatur suspicio, mulieres.—*Reditus et possessiones proprias habebant, quas, cum e vita decederent uxores eorum, quas publice tenebant, filii quoque vel filiae, propinqui vel generi inter se dividebant.*—Non erat, qui b. Apostoli altari deserviret, nec ibi Missa celebrabatur, nisi cum Rex vel Episcopus illo advenerat, quod raro continebat. Keledei namque in angulo quodam Ecclesiae, quae modica nimis erat, suum officium more suo celebrabant. However, the Culdees maintained themselves as colleges of secular priests, as long as to the 15th century. They were subject indeed to Rome, but it was with the reservation of their harmless peculiarities. Braun de Culdeis, Bonnae 1840. 4, p. 10.

³ After that the submission was already begun in the year 1059 (See Part 1 § 25 note 13) still the Milanese would not consent that their Archbishops should receive the Pallium from Rome. Compare the contemporary Landulphi jun. hist. Mediol. c. 38. (Muratorii scriptt. rer. Ital. v. 509): The newly elected Archbishop Anselm contra publicum interdictum Cleri et populi Mediolanensis Romam ivit (ann. 1126), in order to satisfy the Pope on this head: ceu vir prudens et sapiens cum Papa et Cardinalibus ejus multa contulit, et conferendo ecclesiasticas consuetudines Ambrosianae Ecclesiae, et honores ejus archiepiscopatus et urbis vivis et bonis rationibus defendit. When required by the Pope to receive the Pallium, he askt the advice of his companions. One answered him, quod prius sustineret nasum suum scindi usque ad oculos, quam daret sibi consilium, ut susceperet Romae stolam, et Ecclesiae Mediolanensi praeepararet hanc novam et gravissi-

vassalage⁴ imposed upon all metropolitans by Gregory VII., served as an effectual assistance in the vindication, under all

mam, quam Honorius Papa dicebat sibi imponere, mensuram; and he took his departure without the Pallium. Political circumstances, however, brought about an alteration. The Milanese, on the disputed imperial election, took Conrad's part against Lothair. Anselm crowned him, and on this account was pronounced deposed by the Pope. On the Papal schism, which followed soon after, Anselm and the Milanese declared for Anacletus II. against Innocent II. But as Lothair and Innocent gradually got the better of their enemies, their party also grew in Milan. At last the town submitted and surrendered Anselm. But it was first owing to the representations of Bernard (Bernardi ep. 131) that the Milanese suffered themselves to be so worked on, as to allow their new Archbishop to accept the Pallium from the Pope. Landulphus c. 41. The leading clergy of Milan, contra solitum decus Mediolani et ejus Ecclesiae Innocentio Papae fidelitatem juraverunt: and in c. 43. The newly elected Archbishop Robaldus Pisis Innocentio Papae juravit (ann. 1136), et jurando libertatem Ecclesiae Mediolanensis in contrarium convertit.

⁴ The first trace of this is in the year 1073, when Wibert, Archbishop of Ravenna, at his consecration had to take an oath to the Pope Alexander II. (Bonizonis liber ad amicum lib. vi. in Oefelli rer. Boic. script. ii. 810), se fidelem esse Papae Alexandro ejusque successoribus, qui per meliores essent electi Cardinales. We have four forms of this oath from this age, I. in the acts of the Roman Synod 1079, where the Patriarch of Aquileia had to take it, in Mansi xx. 525. II. In an epist. Gregorii vii. ad Petrum Subdiac. in the Decret. Gregor. lib. ii. tit. xxiv. c. 4. III. The form of the oath of the Archiepiscopus Trinovitanus, Primas totius Bulgariae in the Gestis Innocentii III. c. 77. IV. The oath of Eadmund, Archbishop of Canterbury, in the year 1233, in Raynald ad. h. a. no. 65. I introduce number I. entire, and give of the other forms only the most important deviations: Ab hac hora et inantea fidelis ero b. Petro et Papae Gregorio, suisque successoribus, qui per meliores Cardinales intraverint. (II. IV. ejusque successoribus canonice intrantibus.) Non ero in consilio, neque in facto, ut vitam, aut membra, aut papatum perdant, aut capti sint mala captione. Ad synodum, ad quam me vocabunt vel per se vel per suos nuntios, vel per suas literas, veniam et canonice obediam, aut, si non potero, legatos meos mittam. Papatum Romanum et regalia s. Petri (thus also no. IV., on the other hand no. II. reads *regulas ss. Patrum*; III. *honores, dignitates et rationes apostolicae sedis*) adjutor ero ad retinendum et defendendum, salvo meo ordine. Consilium vero quod mihi crediderint per se, aut per nuncios suos, sive per literas, nulli pandam me sciente ad eorum damnum. Legatum Romanum eundo et redeundo honorifice tractabo, et in necessitatibus suis adjuvabo. *His, quos nominatim excommunicaverint, scienter non communicabo. Romanam Ecclesiam per saecularem militiam fideliter adjuvabo, cum invitatus fuero. Haec omnia observabo, nisi quantum sua certa licentia remiserint.* Instead of the three last

circumstances, of that idea of an *episcopus universalis*, whose vicars were the bishops. After that the Popes began to confirm sentences no. II. has *Limina Apostolorum singulis annis aut per me aut per certum nuncium visitabo, nisi eorum absolvar licentia. Sic me Deus adjuvet, et haec sancta Evangelia.* Each of the other two forms has besides insertions peculiar to itself. Thus no. III. *Eorum certum malum si scivero, impedire studebo. Quodsi non potero impedire, eis quam cito potero intinare curabo.*—Cum quemlibet de meis Suffraganeis consecravero, faciam illi jurare, ut Romano Pontifici et Romanae Ecclesiae perpetuam obedientiam et debitum honorem impendat. Caeterum cum aliquem coronavero in Regem Bulgarorum et Blacorum juxta indulgentiam mihi et successoribus meis ab apostolica sede concessam, ab eo juratoriam recipiam cautionem, quod ei qui tunc apostolicae sedi praefuerit, successoribus ejus, et Ecclesiae Romanae devotus et obediens permanebit, et cunctas terras et gentes suo subjectas imperio in obedientia et devotione sedis apostolicae conservabit.—On the other hand IV. Possessiones vero ad mensam mei archiepiscopatus pertinentes non vendam, neque donabo, neque pignerabo, neque de novo infeudabo, vel aliquo modo alienabo inconsulto Romano Pontifice. In the promise of no. II. *Limina Apostolorum singulis annis aut per me aut per certum nuncium visitabo*; no. III. has *singulus quadrienniis*; no. IV. *singulis trienniis*. One may see plain enough how the forms are modified according to circumstances. This oath of vassalage (see Part 1 § 23. note 11) may be compared with the oath of Boniface (*ibid.* § 4. note 3.) On a refusal of this see Paschalis ii. epist. ad Archiepisc. Saloniae (in Cencii Camerarii lib. censuum in Baronius 1102 no. 8. Mansi xx. 984, with the inscription *Poloniae*, out of which in other manuscripts has been made *Polemensi*, *Coloniensi*, most frequently *Panormitano*. Later manuscripts have conjectured *Colocensi*, but *Colocza* had not yet, at that time, an Archbishop. Steph. Katona hist. crit. regum Hungar. stirpis Arpadianae iii. 149 ss. proves the right reading to be *Saloniae*): *Significasti, frater carissime, Regem et Regni majores admiratione permotos, quod pallium tibi ab apocrisiariis nostris tali conditione oblatum fuerit, si sacramentum, quod a nobis detulerant, jurares.*—Ajunt, omne jusjurandum a Christo Deo in Evangelio esse prohibitum, nec ab ipsis Apostolis post Dominum, nec in conciliis inveniri posse statutum. Quid est ergo quod idem Dominus subsecutus ait: *Quod amplius est a malo est* (Matt. v. 37)? hoc enim amplius ut exigamus, malum nos, illo permittente, compellit. Nonne malum est ab Ecclesiae unitate, a sedis apostolicae obedientia, resilire?—Nonne praedecessor tuus praeter Romani, Pontificis conscientiam damnavit Episcopum?—Quid super Episcoporum translationibus loquar, quae apud vos non auctoritate apostolica sed nutu Regis praesumuntur? Propter haec mala et alia evitanda hujusmodi juramentum exigitur. The assertion of Gregory VII. and his immediate successor, nisi praesenti personae pallium non esse concedendum (Greg. VII. lib. i. ep 24) had soon to be given up. Pertsch de pallio p. 222 ss.—Much that is worth reading on the history of this oath may be found in F. A. Zaccaria de rebus ad hist.

all episcopal elections,⁵ and at last frequently even nominated the Bishops themselves,⁶ the oath was more generally taken by the

atque antiquitates Ecclesiae pertinentibus dissertt. latinae (tomi ii. Fulginiae 1781. 4) ii. 296. For the manner in which the Popes availed themselves sometimes of this oath of Innocent. III. registr. de negotio. Imperii epist. 68, in which he charges the Archbishop of Treves sub debito fidelitatis, quo Ecclesiae Romanae teneris astrictus, et vinculo juramenti, quod super hoc specialiter praestitisti, to acknowledge Otto IV. or else he would be excommunicated as a transgressor proprii juramenti. Likewise wrote Alexander IV. to the Archbishop of Mayence above § 57. note 6. Gregory IX. even demanded, by virtue of this oath from the Archbishop of Lyons auxiliary troops, see § 55. note 12. Innocent IV. made the same demand on the French bishops § 56 note 8.*

⁵ Even Concil. Rom. ann. 1080. c. 6 (Mansi xx. 533) establishes this: Clerus et populus—apostolicae sedis *vel* metropolitani sui consensu pastorem sibi secundum Deum eligat.—Electionis potestas omnis in deliberatione sedis apostolicae *sive* metropolitani sui consistat. In order to secure their elections, which were very often disputed, the Bishops began frequently to apply to Rome for confirmation. Cf. chron. Ursperg. p. 235 on the times of Otto IV. and Philip the Hohenstaufen: vix remansit aliquis Episcopatus, sive dignitas ecclesiastica, vel etiam parochialis Ecclesia, quae non fierit litigiosa, et Roman deduceretur ipsa causa, sed non manu vacua. Gaude mater nostra Roma, quoniam aperiuntur cataractae thesaurorum in terra, ut ad te confluent rivi et aggeres nummorum in magna copia. Laetare super iniquitate filiorum hominum, quoniam in recompensationem tantorum malorum datur tibi pretium. Jocundare super adjutrice tua discordia, qui erupit de puteo infernalis abyssi, ut accumulentur tibi multa pecuniarum praeimia. Habes, quod semper sitisti, decanta canticum, quia per malitiam hominum, non per tuam religionem, orbem vicisti. Ad te trahit homines non ipsorum devotio, aut pura conscientia, sed scelerum multiplicium perpetratio, et litium decisio pretio comparata. However at this time the confirmation of Bishops by their Metropolitan was legally sufficient: see Anton Pereira von Figueiredo, Demonstration of the right of Metropolitans over their Bishops, translated in Le Bret's Magazin für Staaten und Kirchengeschichte iii. 395, iv. 490. Only to England in the year 1257 came statutum Romae cruentissimum, quo oportet quemlibet electum personaliter transalpinare, et in suam laesionem, imo eversionem, Romanorum oculos impraegnare (Matth. Par. p. 956.)

⁶ See below note 13. Besides the more ancient Form Dei gratia Episcopus, which is already found after the 5th century, and is common after the 11th (Hist. littér. de la France i. 233. 259), we discover also the other form Dei et apostolicae sedis gratia Episc. for the first time in the year 1093 (during the schism), in the will of Amatus, Bishop of Nusco, in Ughelli Italia sacra vii. 535. It begins to be more common in the 13th cent. Thomassin P. i. lib. i. cap. 60.

other Bishops also, as well as by the exempted abbots.⁷ Thus the new Papal rights established by help of the Pseudo-Isidore, now first came forth complete into life, the exclusive right to summon and to ratify councils, to remove and depose Bishops;⁸ and in a form still more hazardous, more destructive of all order, the right in all cases to receive appeals from Episcopal decisions.⁹ But beside these the Popes were now engaged in

§ 9 and 19 is very inaccurate on this point. Compare especially Zaccaria de rebus ad hist. atque antiquitates Ecclesiae pertinentibus dissertt. lat ii. 232.

⁷ Muratorii antiquitt. Ital. v. 1059.

⁸ Cf. §. 61. note 5 and 8.

Part 1. §. 20. note 8. Comp. Gratian. caus. ii. qu. 6. Decretal. Greg. lib. ii. tit. 28.—Especially Decr. Greg. l. c. c. 11 (Alexander III.): De appellationibus pro causis minimis interpositis volumus te tenere, quod eis, pro quacunque levi causa fiant, non minus est, quam si pro majoribus fierent, deferendum. c. 12 (*Idem*): sacri canones et ante et post litis contestationem, et in prolatione sententiae, et post sententiam singulis facultatem tribuunt appellandi: leges autem saeculares appellationem, nisi in casibus, ante sententiam non admittunt. The same Alexander III. says, however (l. c. c. 7), that an appeal from the civil judge to the Pope, etsi de consuetudine Ecclesiae teneat, secundum tamen juris rigorem credimus non tenere: nevertheless as the Episcopal courts had drawn to themselves almost all kinds of civil suits (see below §. 63. note 24 and 25), secular actions were commenced also at Rome in great numbers. Cf. (Horix) tract. de appellationibus et evocationibus ad curiam Rom. in Concordata nationis German. integra variis additamentis illustrata (Tomi iii. Francof. 1771—73. 8.) ii. 171.—Complaints of the age on this head: Hildebertus Archiep. Turo-nensis epist. 82. ad Honorium P. ii. about 1125 (Bibl. PP. Lugd xxi. 159): Quaslibet appellationes in Romana vigere et suscipi Ecclesia, eis Alpes auditum non est, nec in sacris traditum institutis. Quodsi forte hujusmodi emersit novitas, ut placeat omnem indifferenter admittere appellationem: pontificalis censura peribit, et omnino conteretur ecclesiasticae robur disciplinae. Quis enim raptor ad solam anathematis comminationem non statim appellabit?—quis Episcopus habebit in promptu, non omnem dico, at aliquam ulcisci inobedientiam? Ejus virgam quaevis appellatio quassabit, solvet constantiam, severitatem emolliet, adducens et illi silentium, et reis impunitatem delictorum: sic fiet, ut sacrilegia ac rapinae, fornicationes ac adulteria pernicioso inundent incremento. Soon enough were these apprehensions fulfilled, Bernard. Claraevallensis epist. 178. ad Innocentium II. about 1135: Vox una omnium, qui fidei apud nos cura populis praesunt, justitiam in Ecclesia deperire, annullari Ecclesiae claves, episcopalem omnino vilesce auctoritatem, dum nemo Episcoporum in promptu habeat, ulcisci injurias Dei, nulli liceat illicita quaevis, ne in propria quidem parochia, castigare. Causam referunt in vos curiamque

asserting their claim to further rights; these were an universal right to grant absolution¹⁰ and dispensation,¹¹ an exclusive right

Romanam. Recte gesta ab ipsis, ut ajunt, destruitis, juste destructa statuitis. Quique flagitiosi et contentiosi de populo, sive de Clero, aut etiam ex monasteriis pulsati currunt ad vos: redeuntes jactant et gestiunt, se obtinuisse tutores, quos magis ultores sensisse debuerant. Especially ejusd. de considerat. ad Eugenium P. lib. iii. cap. 2. ann. 1152. &c. Quousque murmur universae terrae aut dissimulas, aut non advertis? Quousque dormitas? Quousque non evigilat consideratio tua ad tantam appellationum confusionem atque abusionem? Praeter jus et fas, praeter modum et ordinem fiunt. Non locus, non modus, non tempus, non causa discernitur, aut persona. Praesumuntur leviter passim, plerumque et nequiter. Volentes malignari, nonne his potissimum terreri solebant? Nunc terrori ipsi ex his magis fiunt, atque id bonis. Antidotum versum in venenum, non mutatio dexteræ Excelsi haec. Appellantur boni a malis, ut non faciant bona, et supersedent a voce tonitruī tui formidantes.—Videas,—prorumpere ad appellandum non tam gravatos, quam gravare volentes.—Cur, inquis, male appellati non veniunt ostensuri suam innocentiam, malitiam convicturi? Dico, quod dicere ad haec solent: “Nolumus vexari frustra. *In curia esse, qui proclivius faveant appellanti, foveant appellationes: cessuris Romae, domi cedere satius.*” Fateor me non omnino decredere his. Quem das mihi in tam crebris appellationibus, quae hodie fiunt, qui pro expensis itineris vel nummum restituerit illi, quem forte appellavit? Mirum vero, si ita omnes et appellantes justī, et appellati rei vestro examīne inventi sint! etc.

¹⁰ Gregor. vii. lib. vi. epist. 4. ad Henric. Leodiensem Episc. Lectis fraternitatis tuae literis non parum mirati sumus,—te—nos de absolutione illius parochiani tui, qui olim ad nos venit, mordaci invectione reprehendisse, *tamquam apostolicae sedis non esset auctoritas, quoscunque et ubicunque vult ligare et absolvere.* The Bishop's voluntary custom of referring great criminals to Rome, led by degrees to the establishment of certain definite cases Papae reservati (for example Ivo Carnot. ep. 98. 160. Hildebert. Turon. writes (epist. 60) to a Bishop about a Priest who had committed murder: Si simile aliquid in commissa mihi parochia contigisset, reum ad apostolicam misissem audientiam.) Innocent II. in concil. Rhemens. ann. 1131 can. 13 first reserved the case of murder of an ecclesiastic. How the number of these cases increased is shown in the Vita Laurentii Archiep. Dublinensis († 1181) c. 24 in Surius ad d. 14. Nov. In tantum autem ministrorum Ecclesiae execrabatur immunditiam,—ut omnes,—si incontinentiae convicti essent, licet tamquam Archiepiscopus posset, tamen nollet absolvere, sed ad Romanam Ecclesiam a summo Pontifice absolvendos destinaret. Conc. Rotomag. ann. 1179 c. 26: Those qui falsum praestiterint juramentum in sacrosanctae Ecclesiae laesionem, vel cujuslibet personae exhaecredationem, were to be excommunicated; and if they wished to obtain absolution, ad eorum majorem confusionem ad sedem apostolicam transmittantur. For an enumeration of the reserved cases consult Synod. Baiocensis ann. 1300 c. 87:

of canonization,¹² and at last also, in spite of all resistance, the right to dispose of all benefices,¹³ and to tax the churches.¹⁴ But

Incestum faciens, corrumpens, aut homicida,
Sacrilagus, patrum percussor cum sodomita,
Clerum percutiens, Romam petit etc.

The Synod of Arles ann. 1275 c. 12. mentions yet more reservations of the same kind, cf. Thomassin. P. i. lib. ii. c. 13.

¹¹ See above § 61. note 10. Even here there grew up dispensationes Papae reservatae. Compare throughout Thomassin P. ii. lib. iii. c. 27. 28.

¹² Down to 1170 the Archbishops had exercised this right in their own provinces. So late as 1153 the Archbishop of Rouen canonised a monk. Then Alexander III. wrote to a monastery Decr. Greg. lib. iii. tit. 45. c. 1: Audivimus, quod quidam inter vos—hominem quendam in potatione et ebrietate occisum, quasi sanctum,—venerantur. Illum ergo non praesumatis de caetero colere: cum, etiamsi per eum miracula plurima fierent, non liceat vobis ipsum pro Sancto absque auctoritate Romanae Ecclesiae publice venerari. How plentifully the Pope began forthwith to exercise this new reserved right, see in Schröckh xxviii.; 173. Innocent III. extended the right even over relics, Conc. Later. IV. gen. ann. 1215 c. 62: Reliquias inventas de novo nemo publice venerari praesumat, nisi prius auctoritate Romani Pontificis fuerint approbatae. Cf. Benedicti XIV. de servorum Dei beatificatione et beatorum canonisatione libb. iv. in Benedicti XIV. opp. (Rom. 1747. voll. xii.) vol. i—iv.

¹³ Thomassin. P. ii. lib. i. c. 43. Planck iv. ii. 713. Raumer vi. 92. Hadrian IV. began with letters of recommendation to the Bishops (first in epist. 13. ad Episc. Paris in the year 1154, in behalf of Hugh, Chancellor of France: Inde est, quod illum fraternitati tuae duximus plurimum commendandum, rogantes attentius, quatenus—primum personatum vel honorem, qui in tua vacabit Ecclesia, ei concedas, ut et ipse nostras sibi preces sentiat fructuosas, et nos de nostrarum precum admissione gratiarum tibi exsolvere debeamus actiones.) These letters, however, under Alexander III., began to assume a tone of command (Ipsum commendamus, rogantes et rogando mandantes etc.), and were enforced in spite of all opposition under Innocent III. by officers appointed for the purpose (Innoc. III. lib. i. ep. 116. 127. 145. lib. xvi. ep. 177. Alioquin ven. fratri Episcopo NN. damus nostris literis in mandatis, ut vos ad id per censuram ecclesiasticam appellatione remota compellat. Hurter's Innocent III. iii. 109.) Thus in the 13th century Papal nominees were thrust in everywhere, especially in England. For this reason a conspiracy was made here in the year 1231 (Matth. Paris, p. 313) against the Roman Legates, who arbitrarily disposed of the beneficia regni suis, secundum quod eis placet, conferendo, and compelled the collators to obey their will suspensionis sententias fulminando. In the following year (Matth. Paris, ann. 1232, p. 316) distracta sunt horrea Romanorum per totam fere

the full bitterness of all these encroachments upon the rights of

Angliam,—delituerunt clerici Romani in Abbatiis. No better reception did the Papal messengers meet with, who brought over new Bulls of collation, and so Gregory accuses the English Bishops (Raynald. 1232, no. 28) de conculatione numismatis Petri et Pauli Apostolorum imaginem, et nomen Jesu Christi Vicarii profitentis; de laceratione literarum nostrarum; de captione, obsessione, redemptione, spoliatione clericorum; de illata cursoribus nostris injuria, uno in frusta conciso, et altero semivivo relicto. Hence it appears that the Bishops also, as well as the secular powers, had at least an indirect interest in these events. Nevertheless Gregory IX. 1240 again charged three English Bishops (Matth. Paris, p. 532, ut trecentis Romanis in primis beneficiis vacantibus provident. There was a report in England that the Pope had promised the Romans, in order to secure them to his party against the Emperor, ut, quotquot essent in Anglia beneficia conferenda,—Romanorum filiis vel consanguineis ad nutum eorum forent distribuenda. Compare the grievances of the English Legates at the Council of Lyons 1245 (Matth. Paris, p. 667): jam ditantur in Anglia Italici, quorum est jam numerus infinitus, Ecclesiis,—qui rectores Ecclesiarum dicuntur,—nullam curam animarum gerentes etc. Italici percipientes in Anglia sexaginta millia marcarum, et eo amplius annuatim:—plus emolumenti meri redditus de regno reportant, quam ipse Rex etc. Compare St Lewis' Gravamina Eccl. Gallicanæ about 1246 (see below, note 26): Dominus Innocentius III. primus assumpsit sibi jus istud, in tempore suo revera dedit multas præbendas, et similiter post ipsum dominus Honorius et dominus Gregorius simili modo fecerunt: sed omnes prædecessores vestri, ut publice dicitur, non dederunt tot beneficia, quot vos solus (namely, Innocent IV.) dedistis isto modico tempore, quo rexistis Ecclesiam vestram. Et si successor vester intantum excederet vos in hoc, sicut excessistis prædecessores vestros, certe ipse conferret communia beneficia; et sic non restabit aliud consilium indigenis nostris nisi fugere aut fugare. Clement IV. actually declared that the plenaria dispositio of all benefices belonged to the Pope (see below.) The right of appointment to vacant Bishoprics were not so universally claimed by the Popes, but only in certain cases, especially 1. *jure devolutionis* according to the maxim of Gregor. VII. in Conc. Rom. ann. 1080, c. 6: is, qui ad pravam electionem declinaverit, eligendi potestate privatur, and Innocentius III. in Conc. Lateran. 1215, can. 23: ut ultra tres menses cathedralis vel regularis Ecclesia Praelato non vacet, infra quos eligendi potestas ad eum, qui proxime præesse dignoscitur, devolvitur. Thomassin. P. ii. lib. i. c. 51, 2.) In reference to benefices *in curia vacantia*, first vindicated by Clement IV. 1266 Sexti Decretal. lib. iii. tit. iv. c. 2: Licet Ecclesiarum, personatum, dignitatum, aliorumque beneficiorum ecclesiasticorum plenaria dispositio ad Romanum noscatur Pontificem pertinere, ita, quod non solum ipsa, eum vacanti, potest de jure conferre, verum etiam jus in ipsis tribuere vacaturis: collationem tamen Ecclesiarum, personatum, dignitatum et beneficiorum apud sedem apostolicam vacantium specialius cæteris antiqua consuetudo Romanis Pontificibus reservavit. Cf. Thomassin. l. c. cap. 48.

Bishops, and particular churches,¹⁵ was not experienced, until a swarm of Papal Legates with general commissions, and unlimited plenary power was organized to administer them :¹⁶ Secure of

¹⁴ An occurrence which often took place, especially in the 13th century, under pretext of Crusades, and in the war against the Emperors (compare above, § 55, note 12, 27.) The Pope often also granted to temporal princes, for the furtherance of such aims, the right of taxing churches, and assigned to them the tithe of ecclesiastical revenues (§ 56, note 17 ; § 57, note 2 ; § 59, note 10.) On the other hand Joannes Semeca (see § 60, note 7) of Krantz Saxon. viii. c. 27 : Joannes Semeca—Clementi IV.—summo Pontifici (probably Innocentio IV., see Meibom. rer. Germ. iii. 262), tum per Germaniam sicut Galliam decimas a Clero in redemptionem terrae sanctae exigenti, appellationem opposuit : quem Papa pro sua, ut dicebat, temeritate excommunicavit, privavitque praepositura. Sed erant magni in Germania viri, qui Johannem deserendum non putabant. Quae autem impendere videbantur mala, mors ipsa diremit, quae tam Pontificem quam Johannem brevi sustulit de medio. On the whole Papal revenue see Raumer vi. 159. Hurter's Innoc. III. iii. 121.

¹⁵ Which Bernardus epist. 231, ad Episcopos Ostiensem, Tusculanum, Praenestinum (the most eminent Cardinals) points out in the following short and strong language : Et olim quidem eratis contra Apostolum Petrum *dominantes in Clerum* (1 Petr. 5, 3), imo et contra Coapostolum ejus Paulum *dominabamini fidei totius orbis* (2 Cor. 1, 24) : at nunc novum aliquid addidistis, usurpantes amplius et in ipsam religionem. Quid restat nisi ut adjiciatis et ipsis Angelis sanctis dominari ?

¹⁶ On the Legates in general, de Marca lib. v. c. 44—58, lib. vi. c. 29—31. Plank iv. 2, 639. Raumer vi. 75. Hurter iii. 163. Legates with an universal commission ad visitandas Ecclesias date their first appearance from the time of Leo IX. and Victor II. (Part I, § 23, note 7), but not till after Gregory VII. did they become a numerous (see above, § 47, note 15), and an established order. Those that were appointed only for some particular commission were now styled Delegati (especially Delegati judices.) The following are examples of the plenary power of the Legates : Gregor. VII. lib. iv. ep. 26, quatenus—nostra vice, quae corrigenda sunt, corrigat, quae statuenda, constituat. Innocent. III. lib. xvi. ep. 104, cui nos vices nostras commisimus, ut juxta verbum propheticum evellat et destruat, aedificet et plantet, quae secundum Deum evellenda et destruenda, necnon aedificanda cognoverit et plantanda. Thus the matter became soon after what Clement IV. at last plainly declared (Sexti Decretal. lib. i. tit. 15, c. 2) : Legatos, quibus in certis provinciis committitur legationis officium, ut ibidem evellant et dissipent, aedificent atque plantent, *provinciarum sibi commissarum, ad instar proconsulum caeterorumque praesidum, quibus certae sunt decretae provinciae moderandae, ordinarios reputantes*, praesenti declaramus edicto, commissum tibi a praedecessore nostro legationis officium nequaquam per ipsius obitum exspirasse. They ranked above all bishops, see Gregory VII.

the most powerful support from the Popes,¹⁷ they wandered from place to place in the provinces, to annihilate Episcopal power, and render themselves infamous by their shameless extortions.¹⁸ The numerous Curia,¹⁹ with which the Pope

Dictatus 4 (§ 47, note 3.) Compare the account Gervasii Dorob. p. 1663. In the year 1125 there came one John (Joh. Cremensis) as Legate to England. Post modicum idem Legatus, peragrata Anglia, celebravit Concilium apud Westmonasterium, et totam Angliam in non modicam commovit indignationem. Videres enim rem eatenus regno Anglorum inauditam, clericum scilicet presbyterii tantum gradu perfunctum Archiepiscopis, Episcopis, Abbatibus, totiusque regni nobilibus, qui confluerant, in sublimi solio praesidere, illos autem deorsum sedentes ad nutum ejus vultu et auribus animum suspensum habere. Die quoque Paschae cum idem primo veniret in Angliam, officium diei loco summi Pontificis in matrice Ecclesia celebravit, eminenti cathedra praesidens, et *insignis pontificalibus utens*, licet non Episcopus, sed simpliciter fuerit Presbyter Cardinalis. Quae res quam gravi multorum mentes scandalo vulneraverit, et inusitata negotii novitas et antiqui regni Anglorum detrita libertas satis indicat. Like the Pope they disposed of benefices. Innocent III. (Deer. Greg. lib. iii. tit. 38. c. 28) declared, as the superscription expresses: Legatus de latere Ecclesiae, cujus alia Ecclesia est patrona, collationi suae reservare potest, licet non vacet, et conferre, cum vacat. (The gloss upon this says: Item videtur quod liberam electionem posset legatus auferre capitulo, and decides that at least tempore suae legationis posset interdicere et reservare sibi electiones.) comp. Deer. Greg. lib. i. tit. 30, c. 6, and the charge given by Innocent III. to his Legate in England above § 54, not. 37. Thomassin, P. ii. lib. i. c. 52.

¹⁷ Compare Gregor. VII. lib. i. ep. 16, ad Giraldum. Against Giraldus Legate in Spain many persons lodged a complaint in Rome, quorum alii injuste se excommunicatos, alii inordinate depositos, alii immerito interdictos conqueruntur. Gregory acknowledged the injustice of his Legate, but was withheld from interfering in person respectu conservandae auctoritatis tuae. A bishop deposed for some insufficient reason comes in person to Rome: sed honori tuo providentes nulla querelis ejus responsa dedimus. The Legate was himself to revoke the overhasty judgment. Cf. Innocent III. lib. xvi. ep. 12.

¹⁸ The Legates ventured to demand their maintenance (procuratio) from the churches, and soon received it in money, according to an arbitrary assessment. Comp. the Metropolitian's oath above note 4. Innocentius III. lib. i. epist. 568 (Deer. Gregor. lib. iii. tit. 39. c. 17); omnes, Ecclesiae legatis et nunciis sedis apostolicae procuraciones impendere tenentur.—Qui vero contumaciter eis duxerit resistendum, omni prorsus appellatione remota per ecclesiasticae districtiois sententiam compescatur. On the frightful extortions of the Legates, see de Marca lib. v. c. 49.—51. Raumer vi. 79. Hurter's Innocent III. iii. 157. 169. On their expenditure Marca c. 52.—Complaints of the

age : Ivo Episc. Carnotensis († 1115) epist. 109. ad Paschalem II. : Cum enim a latere vestro mittitis ad nos Cardinales vestros tamquam filios uterinos, quia in transitu apud nos sunt, non tantum non possunt curanda curare, sed nec curanda prospicere. Indeest, quod multi—dicunt, sedem apostolicam non subditorum quaerere sanitatem, sed suam aut *lateralium suorum* quaerere commoditatem. Bernardus epist. 290 ad Episc. Ostiensem ann. 1152 : Pertransiit Legatus vester (Cardinal Jordanus see Baron. 1151 no. 5) de gente in gentem, et de regno ad populum alterum, foeda et horrenda vestigia apud nos ubique relinquens. A radice Alpium et regno Teutonicorum per omnes paene Ecclesias Franciae et Normanniae et circumquaque circumiens usque Rothomagum vir apostolicus replevit non Evangelio, sed sacrilegio. Turpia fertur ubique commisisse, spolia Ecclesiarum asportasse, formosulos pueros in ecclesiasticis honoribus, ubi potuit, promovisse, ubi non potuit, voluisse. Multi se redemerunt, ne veniret ad eos. Ad quos pervenire non potuit, exegit et extorsit per nuncios etc.—Joannes Saresburiensis († 1182) Policraticus seu de nugis Curialium lib. v. c. 16. (Bibl. PP. Lugdun. xxiii. 319) : Sed nec Legati sedis apostolicae manus suas executiunt ab omni munere, qui interdum in provinciis ita debacchantur, ac si ad Ecclesias flagellandam egressus sit Satan a facie Domini.—La Bible de Guiot de Provins, a Monk of Cluny, written 1203 in the Fabliaux et contes des poëtes françois des XI—XVe siècles, publiés par Barbazan, nouv. édit. par M. Méon (4 Tomes Paris 1808) ii. 329.

- v. 666. Tout est perdu et confundu,
 Quant li Chardonal sont venu,
 Qui viennent ça tuit (*tous*) alumé,
 Et de covoitise (*convoitise*) enbraseé.
670. Ça viennent plein de symonie,
 Et comble de malveise vie;
 Ça viennent sanz nule reson,
 Sanz foi et sanz religion :
 Que il vendent Deu et sa Mere,
675. Et traissent nos et lor pere.
 Tout defolent (*foulent*) et tot devorent,
 Certes li signe trop demorent
 Qui nostre Sires doit monstrar,
679. Quant li siecles devra finer.

On the conduct of Robert Courçon, the haughty and avaricious Legate in France during the time of Innocent III., see Hurter ii. 652. Compare the letter of Frederick I. below note 28. Wichmann in epist. ad Urbanum III. see above § 53. not. 6. Petrus Blacensis in epist. ad Clement. III. above § 53. not. 16. At last Alexander IV. took notice of these complaints. cf. ejus epist. encyclica ad Archiepiscopos Gall. (ed. Baluz. ap. de Marca lib. v. c. 51. § 14.—sicut ad audientiam nostram non sine animi turbatione pervenit, horum [nunciorum] nonnulli,—occasione procuracionum hujusmodi a nonnullis Ecclesiis et ecclesiasticis personis—magnas et immoderatas pecuniarum summas, equos etiam et mulos—extorquere ausu sacrilego praesumerunt, diversas excommunicationum, suspensionum et interdicti sententias in quam plures ex personis et Ecclesiis, nolentes et forsitan nequeutes eorum

was obliged to surround himself, in order to pervade his greatly enlarged circle of operations, was held in the same evil repute with the Legates, for insatiable avarice, and venal corruption."

in his avaritiae satisfacere, temere promulgando, in animarum suarum periculum, nostram et dictae sedis infamiam, et scandalum plurimorum. Cum igitur haec et alia multa enormia de ipsis nunciis jam saepius fuerint ad nos—delata, nos volentes talium insolentias—punire,—fraternitati tuae—mandamus,—quatenus statim—in tua provincia—diligenter inquiras, quid, quantum et qualiter nuncii nostri—procuracionum suarum praetextu—receperunt etc. How little effect this had is clear from the account, which Godfrey of Ensmingen, an inhabitant of Strasburg, gives as a contemporary writer in J. F. Böhmer's fontes rerum german. vol. 2. (Stuttgart 1845) s. 124: Anno Dom. 1286 mense Octobri draco quidam montes transiens Italicos,—dominus videlicet Joannes Tusculanus Episcopus, in partibus Alemanniae a dom. Honorio Papa legatus, trahens caudam suam veneficam per totum regnum Alemanniae, et multos sua simoniaca infecit pravitatem. Under the protection of the Emperor Rudolph, he carried on his extortions in Basle, Strasburg, Spiers, Worms, one after the other, and then summoned a council in Wurtzburg: here however so general a resistance was raised against him, that he was obliged to fly back to Italy. Concerning the Legate see also Stenzel's urkunden zur Gesch. d. Bisth. Breslau im Mittelalter, Breslau 1845. 4. s. 227. ff. He sent two vice-Legates into Silesia and Poland, and demanded by them from the body of Polish Bishops a procuracion of 1100 marks of fine silver; from the Bishopric of Breslau alone, he asked 150 marks, and reserved to himself the appointment to all vacant livings. Besides this the vice-Legates required for themselves and their suite a procuracion of more than 39 horses. Even before procuracion had been paid to Philip, a Legate, a collector denarii s. Petri claimed the same sum again: an appeal to the Pope was the consequence. The Legate then reduced the sum to 700 and 120 marks (s. 237): Nevertheless the Bishop of Breslau persisted in his appeal, because he could not pay the money (s. 240).

¹⁹ Gerohi Reicherspergensis de corrupto Ecclesiae statu ad Eugenium III. Papam (Baluzii miscellan. v. 63): Neque enim vel hoc ipsum carere macula videtur, quod nunc dicitur *Curia Romana*, quae antehac dicebatur *Ecclesia Romana*. Nam si revolvantur antiqua Romanorum Pontificum scripta, nusquam in eis reperitur hoc nomen, quod est Curia, in designatione sacrosanctae Romanae Ecclesiae etc.

²⁰ Hildeberti Archiep. Turon. († 1134) Curiae Romanae descriptio (in Brown app. ad fascic. rerum expetend. et fugiendarum p. 7): Romani sunt quos timent, et qui timentur. Illi sunt, quos haec peculiariter provincia monet (*leg. manet*), inferre calumnias, deferre personas, afferre minas, auferre substantias.—Illi sunt, qui emunt lites, vendunt intercessionem, deputant arbitros, judicanda dictant, dictata convellunt.—Spes firmas in rerum motibus habent, dubia tempora certius amant, et ignavia pariter conscientiae trepidantes etc.—Joannes Saresbur.

•Policrat. lib. vi. c. 24: Memini me causa visitandi dominum *Adrianum Pontificem quartum*, qui me in ulteriorem familiaritatem admiserat, profectum in Apuliam, mansique cum eo Beneventi ferme tres menses. Cum itaque, ut fieri solet inter amicos, saepe plurimis conferremus, et ipse, quid de se et Ecclesia Romana sentirent homines, a me familiarius et diligentius quaereret: ego apud eum usus spiritus libertate, mala, quae in diversis provinciis audieram, patenter exposui. Sicut enim dicebatur a multis, Romana Ecclesia, quae mater omnium Ecclesiarum est, se non tam matrem exhibet aliis, quam novercam. Sedent in ea Scribae et Pharisei, ponentes onera importabilia in humeris hominum, quae digito non contingunt.—Concutiunt Ecclesias, lites excitant, collidunt clerum et populum, laboribus et miseriis afflictorum nequaquam compatiuntur, Ecclesiarum laetantur spoliis, et quaestum omnem reputant pietatem. Justitiam non tam veritati, quam pretio reddunt.—Noceat saepius, et in eo daemones imitantur, quod tunc prodesse putantur, cum nocere desistunt, exceptis paucis, qui nomen et officium pastoris implent. Sed et ipse Romanus Pontifex omnibus gravis, et fere intolerabilis est.—Palatia splendent sacerdotum, et in manibus eorum Christi sordidatur Ecclesia. Provinciarum diripiunt spolia, ac si thesauros Croesi studeant reparare. Sed recte cum eis agit altissimus, quoniam et ipsi aliis, et saepe vilissimis hominibus dati sunt in direptionem. Et, ut opinor, dum sic in invio erraverint, nunquam deerit eis flagellum Domini. Os siquidem Domini locutum est, quia *quo judicio judicaverint, judicabuntur, et sua mensura remetietur eis*.—Haec inquam, Pater, loquitur populus, quandoquidem vis, ut illius tibi sententias proferam. Et tu, inquit, quid sentis? Angustiae, inquam, sunt undique.—Veruntamen quia *Guido Clemens* s. Potentianae Presbyter Cardinalis populo testimonium perhibet, ei usquequaque contradicere non praesumo. Asserit enim, in Romana Ecclesia quandam duplicitatis esse radicem et fomentum avaritiae, quae caput et radix est omnium malorum. Neque id quidem in angulo, sed considentibus fratribus, s. Eugenio praesidente,—publice protestatus est. Stephanus Ep. Tornacensis (about 1192) ep. 164, says with reference to the leaden roofs of churches and the Romish Bulls: Romano plumbo nudantur Ecclesiae, teguntur Anglico.—Compare Chronicon Ursperg. above note 5. There is a remarkable confession of Honorius III. (Matth. Paris. ann. 1226 p. 328): Before a great gathering of English Bishops and Barons, the Legate, Otto, produced a Papal Brief. In quibus idem Papa allegavit scandalum sanctae Romanae Ecclesiae et opprobrium vetustissimum, notam scilicet concupiscentiae, quae radix dicitur omnium malorum; et in hoc praecipue, quod nullus potest aliquod negotium in Romana Curia expedire, nisi cum magna effusione pecuniae, et donorum exhibitione. Sed quoniam scandali hujus et infamiae Romana paupertas causa est, debent matris inopiam sublevare, ut filii naturales. The Pope proposed to this end, that from every cathedral-church, and every religious house, two stalls should be delivered up to him. The English naturally distrusted this remedy. How the Minorite Hugo of Variola in the time of Innocent IV. spoke out the truth before a consistory of Cardinals, may be seen according to Salimbene's Chronik in Hölder's Friedrich

II. s. 243. Even in poems there were frequent satires and complaints against the Curia. Compare *Varia doctorum piorumque virorum de corrupto Ecclesiae statu poemata cum praeef. Matth. Flacii*. Basil. 1557. edit. 2. 1754. 8. Especially Bernard, Monk at Cluny, belongs to this time, and his poem *de contemptu mundi ad Petrum Abb. suum* (p. 226 ss.), written in the middle of the 12th cent. e. g. p. 321 (in *Bulaeus ii. 53*):

Roma dat omnibus omnia dantibus; omnia Romae
Cum pretio: quia juris ibi via, jus perit omne:
Ut rota labitur, ergo vocabitur hinc rota Romana.
Roma nocens nocet, atque viam docet ipsa nocendi,
Jura relinquere, lucra requirere, pallia vendi.

Many also of those Latin poems which hitherto have been set down to Walter Mapes, after 1197 Archdeacon at Oxford (in *Flacius* p. 121. The Latin poems commonly attributed to Walter Mapes, collected and edited by Thom. Wright, London 1841. 4.), which, however, in part belong to a German Walter in the time of Frederick I. (see J. Grimm. *Gedichte. des Mittelalters auf k. Friedrich I.*, and the poems of his and the following reign, in the philological and historical transactions of the Berlin Academy, 1843. s. 143. Compare Wackernagel in *Haupt's Zeitschr. f. deutsches Alterthum* v. 293), E. G. in *Romanam Curiam* in *Flacius* p. 420, Wright p. 37:

Roma capit singulos et res singulorum:
Romanorum curia non est nisi forum:
Romae sunt venalia jura senatorum.
Et solvit contraria copia nummorum.
Hic in consistorio si quis causam regat
Suam vel alterius, hoc imprimis legat:
Nisi det pecuniam, Roma totum negat;
Qui plus dat pecuniae, melius allegat.

La Bible de Guiot (see above note 18) v. 711:

v. 711: Corz (*cour*) de Rome, com estes toute
Plaine de pechiez criminax,
Il n'est nulle tant desloiax (*déloyale*).
Puis que l'Apostoles ne voit,
Et il ne fet ce que il doit,
Chéoir (*cadere*) devons et si corper (*faillir*)
765: Et ce voit-en (*on*) bien que Rome a
Molt (*multum*) abessié (*abaissé*) nostre loi.
Li Duc et li Prince et li Roi
S'en devoient bien conscellier:
Granz conseil i auroit mestier (*besoin*).

770: Rome nos suce et nos englot (*dévore*),
Rome destruit et oelist tot (*occidit omnes*).
Rome est la doiz (*canal*) de la malice
Dont sordent (*jaillissent*) tuit li malvès (*mauvais*) vice;
C'est un viviers pleins de vermine.

Bridankes Courtesy (about 1230) by W. Grimm (*Göttingen* 1834) s. 148: Von Ròme (compare Grimm's *Vorr.* s. lvi. and lxii.): e. g. s. 152:
Das netze quam ze Ròme nie,

In other quarters, wherever simony made its appearance, it was vigorously opposed by the Popes. In the Papal Court itself, even during the struggle for the right of investiture, it was not eradicated; and when the struggle was over, it came forward again with open effrontery.²¹

mit dem sant Pêter vische vie,
das netze ist nû versmâhet:
roemisch netze vâhet
silber golt bürge unde lant;
das was sant Pêter unrekant.
Sant Pêter was ze rehte ein degen;
den hies got siner schafe pflegen,
er hies in niht schâf beschern:
nu wil man schernes niht enbern.
Unreht ist ze Rôme erhaben:
reht gerihte ist ab geschaben.

Passages yet more severe than these may be found in the Troubadours, for instance in Guil. Figueira about 1244, and Pierre Cardinal about 1270, see Rûgelieder der Troubadours gegen Rom und die Hierarchie, in the original with a German translation by E. Brinckmeier, Halle 1846, s. 24 and 52. Lastly there is Dante's *Inferno*, where he says to the condemned Pope Nicolas III. cant. xix. v. 90. ss., especially v. 112. ss.

Your god ye make of silver, and of gold:
And wherein differ from idolaters,
Save that their god is one, but yours a hundred fold?
Ah Constantine! What evils caused to flow
Not thy conversion, but those fair domains
Thou on the first rich Father! didst bestow.

²¹ Ivo[n]is Carnot. epist. 133, ad Richard. Legatum (in Baronius 1104, no. 9) in answer to the charge that simony was yet practised in his diocese: *Si quâ antem adhuc sunt; quae pro consuetudine antiqua publice exigant Decanus et Cantor et alii ministri ab his, qui Canonici fiunt, me contradicente et persequente, Romanae Ecclesiae consuetudine se defendunt, in qua dicunt cubicularios et ministros sacri palatii multa exigere a consecratis Episcopis vel Abbatibus, quae oblationis vel benedictionis nomine palliantur, cum nec calamus nec charta gratis ibi (ut ajunt) habeatur: et hoc quasi lapide conterunt frontem meam, cum non habeam quid respondeam, nisi evangelicum illud: quod dicunt servate et facite: sed si id faciunt, secundum opera eorum nolite facere* (Matth. xxiii. 3.) Gebhard the newly elected Bishop of Wurtzburg, 1122, was obliged to listen to the proposal of the Papal Legate Adalbert Archbishop of Mayence (Codex Udalrici, no. 335, in Eccard ii. 349): *si in usus Apostolici Romani trecentas libras miserit, mihi que sexcentas dederit, gratiam nostram obtinebit, et de negotio suo deinceps certus et securus manebit.* Comp. in la Bible de Gujot (above note 18): li Chardonal—plein de symonie. Anonymus de recuperatione terrae sanctae about

¹ Pope Sylvester. J. C. Wright.—T.

Only Alphonso X., the wise (properly El Sabio, the learned) King of Castile (1252—1284), supported these Papal encroachments by fresh legislation on his side (*Siete Partidas*).²² At one time nothing was heard but remonstrance against them and the disorders which ensued. However the resistance which some Bishops attempted,²³ was just as ineffectual in the end as the

1306, cap. 17 (in Bongarsii gesta Dei per Francos ii. 315): *Consideret (dominus Papa), qualiter ubique terrarum Ecclesiae Romanae subiectarum clamatur, cum aliquis de Simonia arguitur: Nonne videtis, qualiter dominus Papa et Cardinales munera recipiunt ab ipsis, quibus beneficia conferuntur, praesertim ab illis, quibus de Praelatis nibus providetur?—qualiter consuetum est, quod provisus serviat Curiae de magna pecunia, aliquando septem, octo, vel decem millibus libris, sub gravibus usuris perceptis ab illis, qui publice vocantur Papae mercatores, qui publice dicuntur ejus pecunias accipere, conservare et foenerare?—Guilelmus Durantis de modo generalis concilii celebrandi ann. 1311.)* P. ii. Rubr. 20: in curia Romana—coetus dominorum Cardinalium vult habere una cum domino Papa certam portionem a Praelatis, qui promonentur.—Haec haeresis maxime corrumpit Ecclesiam universalem et universos populos, et provisus jam remedia pro nihilo reputantur, et cum in curia Romana publice contrarium fiat, ac si non esset peccatum committere simoniam. How many of the jurists passed sentence on Romish simony see above, § 61, note 9.

²² In this the following rights were allowed to the Pope: To remove and depose Bishops, to erect and abolish Bishoprics, to confirm and annul elections of Bishops, even when the Bishop elect was worthy: to dispose of ecclesiastical benefices, to set free every Bishop from his metropolitan, and exempt monasteries, to absolve persons excommunicated by others, and to receive all appeals: See Rosseeuw Saint-Hilaire sur l'origine des immunités ecclésiastiques en Espagne, in the *Mémoires de l'Acad. des sciences morales et polit. T. 1. Savants étrangers* Paris 1841. 4.), p. 843. The aim of this legislation was to take from the cities and separate provinces their peculiar rights and liberties: the support of the Pope would be useful for this purpose, it was also of importance to the King in his canvass for the Imperial Crown. See Schlosser's *Weltgesch.* IV. ii. 43.

²³ For instance that of Maurice, Bishop of Poitiers, to Innocent III., when he had nominated a prior to be *judex delegatus* on a charge brought against him. Innoc. III. lib. xvi. ep. 12, adeo insolens effectus esse Episcopus dicitur saepedictus, ut publice praedicans, quod in episcopatu suo esse vult Episcopus atque Papa, et asserens, quod per iudices delegatos a nobis, quos Papae judicellos appellat, in sua diocesi nihil fiet etc. Two English Bishops make a more remarkable appearance. First, Robert Grossthead (Grossetest), Bishop of Lincoln (*Matth. Paris.* ann. 1253, p. 576): *Domini Papae et Regis redargutor manifestus. Praelatorum corrector, Monachorum corrector, Presbyterorum director, clericorum instructor, scholarium sustentator, populi praedicator, scripturarum sedulus perscrutator diversarum, Romanorum malleus et*

contemptor,—in officio pontificali sedulus, venerabilis, et infatigabilis (Roger. Bacon. opus majus, p. 45: qui solus novit scientias.) His opuscula, viz. sermons and letters are publisht in Brown app. ad fasciculum rerum expetendarum et fugiendarum, p. 244 ss. cf. H. Wharton Anglia sacra ii. 344. When Innocent IV. commanded him to give a canonry to a Papal cadet, who was still a boy (see epist. Innocentii in Brown, p. 399), he answered with a true call for repentance (Matth. Paris ann. 1252, p. 870 ss. Brown, p. 490): E. g. Non est igitur praedictae literae tenor apostolicae sanctitati consonus, sed absonus plurimum et discors. Primo quia de illius literae—superaccumulato Non obstante (see § 61, note 9 towards the end)—scatet cataclysmus inconstantiae, audaciae et procacitatis, inverecundiae, mentiendi, fallendi etc.—Praeterea post peccatum Luciferi—non est, nec esse potest alterum genus peccati tam adversum et contrarium Apostolorum doctrinae et evangelicae,—quam animas pastoralis officii et ministerii defraudatione mortificare et perdere. Quod peccatum—committere dignoscuntur, qui in potestate curae pastoralis constituti, de lacte et lana ovium Christi suis carnalibus et temporalibus desideriis et necessitatibus prospiciunt, et pastoralis officii ministeria—non administrant.—Sicut in bonis causa boni melior est suo causato, sic etiam in malis causa mali pejor est suo causato. Manifestum est, quod talium interemptorum—in Ecclesiam dei introductores ipsis pessimis interemptoribus sunt pejores, Luciferi et Antichristo proximiores, et in hac pejoritate gradatim, quanto magis superexcellentes, qui ex majore et digniore—potestate—magis tenentur ab Ecclesia Dei tales interemptores pessimos excludere et extirpare. Non potest igitur sanctissima sedes apostolica—aliquid vergens in hujusmodi peccatum—mandare. Hoc enim esset evidenter suae sanctissimae potestatis et plenissimae vel defectio, vel corruptio, vel abusus.—Nec potest quis immaculata et sincera obedientia eidem sedi subditus et fidelis—hujusmodi mandatis—undecunque emanantibus, etiamsi a supremo Angelorum ordine evenirent, obtemperare, sed necesse habet totis viribus contradicere et rebellare. Propter hoc, reverende Domine, ego ex debito obedientiae et fidelitatis, quo teneor utrique parenti apostolicae sedis sanctissimae,—his quae in praedicta litera continentur—filialiter et obedienter non obedio, sed contradico et rebello. The Pope was furiously angry: however, the Cardinals gave him this advice: Non expediret, Domine, ut aliquid durum contra Episcopum statueremus: ut enim vera fateamur, vera sunt, quae dicit. Therefore consilium dederunt domino Papae, ut omnia haec conniventibus oculis sub dissimulatione transire permitteret, ne super hoc tumultus excitaretur. Maxime propter hoc, quia scitur, quod quandoque discessio est ventura. Comp. Roberts' complaints of ecclesiastical abuses on his deathbed. Matth. Paris, p. 874 ss. Sevalus, Archbishop of York, pursued a like course of action: he was excommunicated indeed by the Pope (idem. ann. 1257, p. 956, but de solario caelitus mittendo minime desperavit, omnem papalem tyrannidem patienter sustinendo. Nec opimos Ecclesiae suae redditus transalpinis indignis et incognitis conferre volebat, nec curavit voluntati papali, relicto juris rigore, muliebriter obedire vel inclinari. Quapropter quanto magis praecipiente Papa maledicebatur, tanto plus a

regulations of princes²⁴ directed against this boundless extension

populo benedicebatur, tacite tamen, propter metum Romanorum. He also wrote to the Pope, and complained of this persecution (l. c. ann. 1258, p. 969): Humiliter igitur in scripto suo et iustanter, sicut memoratus Episcopus Lincolnensis Robertus fecerat, petiit, ut consuetas tyrannides temperaret, humilitatem ss. praedecessorum sequendo. Dixit enim Dominus Petro: *Pasce oves meas, non tande, non excoria, non eviscera, vel devorando consume.* Sed dominus Papa subsannans et contemnens indignationem concepit non minimam, et salubribus monitis renuit inclinari. It is remarkable that in the case of both these men, even the excommunicated Sevalus, reports of their miracles spread abroad after their death, and proved their sanctity (l. c. p. 876 s. 969.) Robert was so generally held to be a saint, that in the year 1307 Clement V. was earnestly sued to canonize him by King Edward I., the University of Oxford (see the letters in Wood Hist. et antiquitates Univ. Oxoniensis i. 105) and the Cathedral-chapter of London (see in Brown praef. to the Fasciculus rerum expet. et fugiend. p. xxviii. Wharton Anglia sacra ii. 343.)

²⁴ In the matter of Legates, the Kings of France (de Marca lib. vi. c. 31) and England (lib. v. c. 56, § 5 ss. Lappenberg's Gesch. v. Engl. ii. 256) made good their right that none should be sent without their permission. When Urban II. sent a legate to William II., King of England, the King came to an agreement with him, ne Legatus Romanus ad Angliam mitteretur, nisi quem Rex praeciperet (Hugo Flavin. in chron. Virdun. p. 241.) This right was maintained down to the reign of Henry III.; when he wisht to assert it, in the year 1244, Magister Martinus was sent (Matth. Paris p. 641), habens novam et inauditam potestatem, videlicet ampliorem, quam unquam meminimus aliquem Legatum habuisse, but (p. 645) Legati vestibus *pro privilegio Regis sophistice salvando* non insignitus. For this reason Matthew Paris calls him the Legatus sophisticus. When, however, the Barons of England, in the year 1264, reminded a Legate of this privilege, he answered offhand: *Asseritis privilegium vestrum esse, quod ad vos Legatus non veniat non petitus. Sed absit, ut Romana Ecclesia lege propria se aretaverit, ne possit per alios visitare, quorum visitationem praesentialiter nequit adimplere. Nec potuit aliquis summus Pontifex legem ponere successori, quia non habet imperium par in parem, nec Papa unius praedecessoris heres est, sed successor (ex ms. in de Marca lib. v. c. 56. § 13.)* Thus also Boniface VIII. asserted against Philip the Fair (Rayn. 1303, no. 34), quod Romanus Pontifex Legatos de latere ac Nuncios libere mittere potest ad quaevis imperia, regna vel loca, prout vult, absque petitione cujuslibet vel consensu, *usu vel consuetudine contrariis nequaquam obstantibus.* For Germany, we have only the efforts of the Hohenstaufen family to point out. Frederick I. complained, in his quarrel with Hadrian IV. (above § 52, note 13), de Cardinalibus quoque sine permissione imperiali libere per Regnum transsemitibus, et regalia Episcoporum palatia ingredientibus, et Ecclesias Dei gravantibus: de injustis appellationibus et cacteris

of Papal power, were for the most part fruitless in results. Far more dangerous to the Pope would have been the resistance of the Latin Patriarchs in the East,²⁵ had not their very existence

quam plurimis brevitatem superantibus (Baronius 1159 no. 15), and replied to the remonstrance of the Pope (l. c. no. 6): Cardinalibus utique vestris clausae sunt Ecclesiae, et non patent civitates; quia non videmus eos Cardinales, sed Carpinales; non praedicatores, sed praedatores; non pacis corroboratores, sed pecuniae raptore; non orbis reparatores, sed auri insatiabiles corrasores. Cum autem viderimus eos, quales requirit Ecclesia, portantes pacem, illuminantes patriam, assistentes causae humilium in aequitate, necessariis stipendiis et comitatu eos sustentare non differemus. Hadrian complains to the German Bishops (Goldast. constitt. imper. i. 266), [Imperator] facto edicto. ne aliquis de Regno vestro ad apostolicam sedem accedat, per omnes fines ejusdem Regni custodes dicitur posuisse, qui eos, qui ad sedem apostolicam venire voluerint, violenter debeant revocare. The Emperor justifies this measure in his letter to the Bishops (l. c.): Introitum et exitum Italiae nec clausimus edicto, nec claudere aliquo modo volumus peregrinantibus, vel pro suis necessitatibus rationaliter *cum testimonio Episcoporum et Praelatorum suorum* Romanam sedem adeuntibus: sed illis abusionibus, quibus omnes Ecclesiae Regni nostri gravatae et attenuatae sunt, et omnes paene claustrales disciplinae emortuae et sepultae, obviare intendimus. Comp. above § 53, note v., towards the end. Henry II. wisht to do the same for England (Constit. Clarend. viii., above § 52, note 25): nevertheless, just as in England a good opportunity presented itself to compel the King to a retraction on oath (the same note 28); so the Pope succeeded in binding the German Emperors also by an oath, after the time of Otto IV. (see above § 54, note 14 and 17, § 58, note 8.)

²⁵ The consciousness of the original dignity of this see, descended even to the Latin Patriarchs, who were raised to it. Rudolph, the second Patriarch of Antioch, declared already utramque Petri esse cathedram, Antiochenam et Romanam, eamque quasi primogenitam insignem praerogativa, and styled himself collega et frater domini Papae, nevertheless he was overmatcht (Willelm. Tyrius lib. xv. c. 12, 13, he however on this point is not an impartial judge, for territorial disputes were pending between the sees of Antioch and Tyre, Baronius 1136 no. 26 ss., esp. Egidii legati acerrima disputatio adv. Antioch. Patriarcham in Ludewig reliquiae manuscriptt. ii. 452); but even in the year 1198 Innocent. III. (lib. i. ep. 50. Decr. Greg. lib. i. tit. vii. c. 1) had to rebuke a Patriarch of Antioch, who had encroacht on the Papal reserved right of translating bishops.—In the same manner Innocent III. (lib. xi. ep. 76), so early as 1208, had reason to complain of Thomas, the first Patriarch of Constantinople, for disobedience and disregard of the Papal Legates. Honorius III. thus reproacht his successor Everardus (Raynald. 1218 no. 26—28): Sicut—accepimus, tu supra te volens extendere alas tuas—legatos de tuo latere dirigis cum ea plenitudine potestatis, qua legati sedis apostolicae diriguntur. Illi

been so entirely independent of Rome and the Western world. In France alone, where the best acquaintance with ancient law, and the greatest political unity and power, was still to be found, Lewis IX., by the Pragmatic sanction (in 1269),²⁵ imposed

enim per Patriarchatum tibi commissum causarum audientiam, quae ad te, vel ad ipsos per appellationem minime deferuntur, sibi vindicare praesumunt, et inconsultis Praelatis eorum subditos excommunicant, excommunicatos absolvunt,—appellationibus non deferunt, quas contingit ad sedem apostolicam interponi.—Ecclesiastica etiam beneficia conferunt, non exspectantes, quod ad te potestas eadem conferendi juxta Lateranense concilium (above note 13) devolvatur: thus closely resembling their Roman brethren. Honorius III. treats Matthaeus, the following Patriarch, yet worse (Raynald. 1222 no. 22 s.), and upbraids him thus: ut quasi velis ab aquilone tuum solum collocare, excommunicatos a Legato apostolicae sedis passim absolvis, et appellationibus legitime interpositis ad eandem deferre contemnis. According to Raumer iii. 388, note 3, there is much to be found on this head in the Regest. Honorii ineditis. But the Patriarchs of Constantinople and Antioch, who, according to Matt. Paris ann. 1238 p. 481, excommunicated the Pope, were not, as Raumer says, vi. 316, Latin, but schismatic prelates. See Raynald. 1238 no. 35.

²⁶ The causes of this are plain from the Gravaminibus Ecclesiae Gallicanae (in Brown app. ad fasciculum rerum expet. et fugiend. p. 238), which must, as is clear from the contents, have been brought by ambassadors of Lewis IX. to Innocent IV., probably about the year 1246: Dominus Rex jamdudum moleste sustinuit gravamina, quae inferuntur Ecclesiae Gallicanae, et per consequens sibi et regno.—Nunc autem videns, quod per patientiam istam non proficiat, sed quotidie crescant gravamina; habita super hoc deliberatione et consilio diligenti, misit nos ad exponendum vobis super hoc libertatem suam et consilium suum.—Mirantur etiam et moventur Barones et omnes Regni procures et magnates, non solum quod haec fiunt, sed quod dominus Rex sustinet, quod haec fiunt: immo quod ipse, ut verbis eorum utar, ita permittit destrui Regnum suum, sicut sui dixerunt ei nuper in colloquio apud Rontilarem congregato: nec solum moventur super his dominus Rex et magnates, sed etiam generaliter omne Regnum motum est et turbatum usque adeo, quod devotio illa, quam solebant habere ad Romanam Ecclesiam, jam quasi penitus est extincta, et non solum extincta, sed conversa in odium vehemens et rancorem vehementem.—Valde timendum, ne istud odium, quod conceptum est contra vos in cordibus hominum fere omnium, possit parere aliquod grande monstrum.—Domine, dico vobis, salva pace vestra, quod nova facitis super terram: vere nova facitis et hactenus inaudita. Quoniam, ut de multis taceam, a saeculo non est auditum, quod Ecclesia Romana pro quacunque necessitate subsidium pecuniarum vel tributum de temporalibus suis exegerit ab Ecclesia Gallicana.—A saeculo non est auditum, quod alias dictum fuerit verbum istud: da mihi tantum, vel excommunico te.—A saeculo non est auditum, quod summi sacerdotes et Apostolorum

powerful restrictions on some abuses at least. But in this country, during the struggle of Philipp the Fair with Boniface, an

successores—talliati fuerint, qui modo per nuncios vestros talliantur sicut servi vel Judaei. For this the evidence of facts was brought forward. Item gravantur Ecclesiae in multis provisionibus et pensionibus multorum: confertis enim pro voluntate vestra domos et grangias (barns) et villas monachorum.—Item gravantur Ecclesiae in collatione beneficiorum et praebendarum multarum. Nam in qualibet Ecclesia—contulistis multas praebendas et etiam non vacantes; et non solum praebendas, sed etiam personatus vacaturos, quod omnibus videtur mirabile, cum nec sic factum fuerit usque modo; nec videatur juri vel rationi consonum, quod sic fiat. Pope Alexander had once taken refuge with King Lewis in France. Ipse tamen in nullo gravavit Ecclesiam Gallicanam, ut nec unam solam praebendam aut aliud beneficium ipse Papa dederit ibi; sed nec aliquis praedecessor suus, nec multi etiam de successoribus dederunt in sua auctoritate beneficium aliquod usque ad tempus domini Innocentii tertii, qui primus assumpsit sibi jus istud, in tempore suo revera dedit multas praebendas, et similiter post ipsum dominus Honorius et dominus Gregorius simili modo fecerunt: sed omnes praedecessores vestri, ut publice dicitur, non dederunt tot beneficia, quot vos solus dedistis isto modico tempore, quo rexistis Ecclesiam vestram. Et si successor vester in tantum excederet vos in hoc, sicut excessistis praedecessores vestros, certe ipse conferret communia beneficia, et sic non restabit aliud consilium indigenis nostris nisi fugere aut fugare.—Nuncii vero de novo accesserunt, nova gravamina addentes supradictis. Nuper enim mandavistis Clericis, ut quia persecutor vester (Fredrick II.) ad partes istas venturus est, *mitant vobis militiam munitam* ad resistendum ei, quia non est consilium cedere venienti: super quo satis excusabiles sunt Ecclesiae, quia non habent militiam, nec est in potestate eorum mittere quod non habent.—Item magnum et novum subsidium modo petitis ab Ecclesiis per fratres minores, qui modo discurrunt per totum Regnum, et intolerabiliter gravant Ecclesias multis modis et diversis. Their mode of proceeding is represented (comp. § 56, note 8), and after many admonitions (for the fixing of the date of this passage is important, quia dominus Rex cruce signatus est, et in terram sanctam profecturus est, vult—quod Ecclesiae Regni large subveniant ei) it is brought to a close with the proposal: rogat vos affectuosissime dominus Rex—pro tollendo scandalo de cordibus multorum, et servanda et retinenda devotione Ecclesiae Gallicanae et Regni, et propter amorem domini Regis, ut praemissis gravaminibus, quae ipse nullo modo potest aequo animo sustinere, quia in his videt exheredationem suam, et intolerabile periculum imminere, de caetero parcatis Ecclesiis et ab hujusmodi cessare velitis, et quae de novo facta sunt revocare. Power was granted the King by the Pope to appoint to the episcopal sees in France. This grant he rejected, and threw into the fire the Bull made out for this end, which his ambassador brought with him on his return from Rome (see the vita Ludovici, written by his Chancellor Broimardus in Choppini monasticon lib. i. tit. i. § 9.) Lewis answered the Pope in the same manner, according

opposition encountering not only isolated results, but the fundamental principles of the Papal system, first found vent.²⁷

to Matth. Paris ann. 1250 p. 797, when he wisht to have the tithes of the French Church for three years, to carry on his war against Frederick II. and Conrad, quod nullo modo toleraret Ecclesiam sui regni depauperare ad expugnandos Christianos. When, however, he suffered the tenth to be granted for three years to himself by the Pope, for his own crusade, the clergy of France were very indignant, and sent a threatening letter to the Pope. Clement's IV. answer to this is in Raynald. 1267 no. 55 : Jerusalem anathemate pollutam propter exactionem decimae stare coram Crucifixi hostibus nequivisse dictarum literarum tenor asseruit ; et ipsarum auctor nimis inconsulte, quasi similia comminans, orientalem Ecclesiam propter exactiones hujusmodi ab obedientia Ecclesiae Romanae subtractam, quasi veritatis omnino expers et inscius affirmavit.—Vobis eligeratis potius excommunicationum sustinere sententias, quam nostris circa hujusmodi obedire mandatis ; adjicientes—ad praedicti confirmationem erroris, jam apud vos infixam et immobilem transisse sententiam, quod non cessaret exactio tributorum, donec cessaret devotio subditorum. When Clement IV., in the year 1266, laid claim to the plenaria dispositio of all benefices (see above note 13), then in March 1269 (according to the reckoning of the time 1268, Lewis issued the Pragmatic Sanction, in order to win back his clergy in some measure, see Ordonnances des Roys de France de la troisième race recueillies par M. de Laurière. Paris 1723 fol. 1, 97. Leibnitzii mantissa cod. jur. gent. p. 157. The most important points in it are these : statuimus et ordinamus *primo*, ut Ecclesiarum Regni nostri Prelati, patroni, et beneficiorum collatores ordinarii jus suum plenarium habeant, et unicuique sua jurisdictio debite servetur. II. Item Ecclesiae cathedrales et aliae regni nostri liberas electiones et earum effectum integraliter habeant.—V. Item exactiones et onera gravissima pecuniarum per Curiam Romanam Ecclesiae Regni nostri impositas vel imposita, quibus Regnum nostrum miserabiliter depauperatum extitit, sive etiam imponendas vel imponenda, levare aut colligi nullatenus volumus, nisi duntaxat pro rationabili, pia et urgentissima causa, et inevitabili necessitate, ac de spontaneo et expresso consensu nostro et ipsius Ecclesiae Regni nostri. The conclusion runs : Harum tenore universis justitiariis, officiariis et subditis nostris—mandamus, quatenus omnia et singula praedicti diligenter et attente servant,—atque servari—inviolabiliter faciunt : nec aliquid in contrarium quovis modo faciant vel attentent, seu fieri vel attentari permittant : transgressores aut contra facientes—tali poena plectendo, quod caeteris deinceps cedat in exemplum. E. Richer hist. concill. general. lib. iii. c. 7. The genuineness of this document, which is attacked especially by P. Daniel, has been demonstrated in Libertés de l'Eglise Gallicane edit. ann. 1771. iii. 633, 667. Velly hist. de France. iii. 239.

²⁷ Johannes de Parrhiis de potest. regia et papali (see above § 59. note 36) cap. xi. in Goldasti monarchia ii. 120 : Potestas Praelatorum

Whilst the extravagant assumptions of the Papacy were laid bare to the view of all.²⁸

inferiorum non est a Deo mediante Papa, sed immediate a Deo, et a populo eligente vel consentiente. Non enim Petrus, cujus successor est Papa, misit alios Apostolos, quorum successores sunt alii Episcopi: nec lxxii. discipulos, quorum successores sunt Presbyteri Curati; sed eos Christus immediate misit (Joann. 20. et Luc. 19.) Nec Petrus insufflavit in alios Apostolos, dans eis Spiritum sanctum, et potestatem dimittendi peccata, sed Christus (Joann. 20. et deinde 21.) *In novo* (i. e. Gratiani Decr. dist. xxi. c. 2) dicitur, quod omnes a Christo simul eandem et aequalem acceperunt potestatem. Paulus etiam dicit, suum apostolatam non accepisse a Petro, sed a Christo, seu a Deo immediate ad Gal. 1. etc.

²⁸ Compare the remarkable expression of William Durant, Bishop of Mende, once so devoted to the hierarchy, in his tractatus de modo celebrandi generalis concilii (1311, written in preparation for the Council at Vienna, printed more than once, among other places in the Tractatus illustrium Jurisconsultorum T. xiii. P. i., Venet, 1584. fol., f. 159.) Part ii. rubr. 7: Proverbium vulgare est: *qui totum vult, t. tum perdit*. Ecclesia Romana sibi vindicat universa: unde timendum est, quod universa perdat: nam, sicut Salomon Proverb. xxx. [v. 33]: *qui multum emungit, sanguinem elicit*. Sicut habetur exemplum de Ecclesia Graecorum, quae ex hoc ab Ecclesiae Romanae obedientia dicitur recessisse.

SECOND CHAPTER.

HISTORY OF THE HIERARCHY OF THE CHURCH IN OTHER LANDS.

§ 63.

THEIR CONNECTION WITH THE STATES.

Whilst in the great struggles of this age, in which Church and State strove for the chief power, the Popes made themselves masters of both: the Hierarchies of the Church in other countries could only attain that independence of all secular power¹ at which they aimed, so far as the existing feudal relations allowed.² The earlier influence of the Lords of the soil, over the appointments to Bishoprics and Abbacies, vanished altogether in Germany from the time of Otto IV.,³ and was straightened by degrees in other countries⁴ also. But in all cases, even when appointed on the side of the Church, the Prelates had to take the oath of fealty as before,⁵ to discharge

¹ How this was opposed, see above § 48. note 12. Comp. Urbani II. epist. 14, ad Rodolphum Comitem (Mansi xx. 659): Nosse te volumus, quia nulli saecularium domino potestatem in clericos habere licet; sed omnes clerici Episcopo soli esse debent subjecti. Quicumque vero aliter praesumpserit, canonicae procul dubio sententiae subjacebit. § 49. not. 14 and 15, § 50. note 8 towards the end.

² Comp. above § 49. note 5, § 50. note 8.

³ In the 12th century imperial nominations of Bishops, or imperial influence over the elections, came into vogue, see Sugenheim's *Staatsleben des Klerus im Mittelalter* Bd. 1. (Berlin 1839) s. 153. Otto IV. and Frederick II. had, however, to disclaim this right. (§ 54. note 71. and 30.)

⁴ In France, England, and Spain, there was a regulation established by law, that the King's permission to elect, and afterwards his confirmation of the election, must be obtained. In Naples, Hungary, Denmark, and Sweden, nomination by the King continued till the 13th century. Staudenmaier's *Gesch. d. Bischofswahlen* (Tübingen 1830) s. 249. Sugenheim i. 197.

⁵ This was acknowledged by Innocent III. in Conc. Lateran. ann.

their feudal obligations,⁶ and in all causes relating to fiefs to acknowledge the right of their feudal lord.⁷ On these feudal relations the Lords of the soil grounded also the right of Regalia (*jus Regaliæ*) and the right of spoils (*jus spoli* or *jus exuviarum*);⁸ although these rights were disallowed by the Popes,⁹ the

1215 c. 43 (Decr. Greg. lib. ii. tit. 24 c. 30.) Even in Germany the Prelates could not assume the regalia before doing so. Sugenheim i. 162.

⁶ Thomassin. P. iii. lib. i. c. 45—48. Hüllmann's Gesch. d. Ursprung's d. Stände in Deutschland 2te Aufl. s. 272 ff. Montag's Gesch. d. Deutschen staatsbürgerl. Freiheit ii. 447.

⁷ This right was recognized by Alexander III. Decr. Greg. lib. ii. tit. 2. c. 6. (The rubric also runs thus: *Si quaestio feudal*is est inter clericum et laicum, cognosceat dominus feudi) and c. 7. Thus Innocent III. interceded with King Philipp II. of France (lib. viii. ep. 190) for the Bishops of Auxerre and Orleans: *dum eorum saisiri fecisti regalia, immo etiam quaedam alia praeter illa,—levi occasione praetensa, quod quidam eorum milites in tuo exercitu constituti ad locum, quem eos adire praeceperas, ire cum aliis noluerint, absentibus eisdem Episcopis per licentiam a te liberaliter impetratam. Et cum—tibi humiliter supplicaverint, ut faceres eis reddi regalia sic subtracta, paratis postmodum curiae tuae subire judicium, sicut in talibus fieri consuevit, tu supplicationes eorum admittere noluisti etc.* cf. lib. xiv. ep. 52.

⁸ Compare on this head de Marca de conc. Sac. et Imp. lib. viii. c. 1 ss., especially c. 17 ss. Natalis Alex. hist. ecclesiast. ad saec. xiii. et xiv. diss. viii. Meibomii rerum Germ. iii. 185 ss. Planck IV. ii. 79. Sugenheim's Staatsleben des Klerus im Mittelalter i. 267. Traces of both are to be found even earlier than this. From the daring robbery of the ecclesiastical succession (Thomassini vetus et nova disciplina de beneficiis P. iii. lib. ii. c. 51 ss.) the right of spoils developes itself, and was already old in the time of Frederick I., see § 53. not. 6. Probably the most antient intimation of the prerogative in Germany is to be found in Frider. Archiep. Colon. epist. ad Otton. Bamb., see above §. 49. note 21. On the ground of the prerogative see the declaration of Philip the Fair to the Bishop of Auxerre (quoted by De Marca from the Act of Parliament lib. viii. c. 22. § 6): *Sicut feodum vassallo vacans interim cum suis redditibus a domino licite occupatur, et propter defectum hominis, ut vulgari nostrae patriae verbo utamur, de jure et generali consuetudine Regni nostri per dominum, quousque superveniat persona, quae illi serviat, licite detinetur: sic nos et nostri antecessores vacante Ecclesia Carnotensi et temporalem jurisdictionem et bona temporalia accipimus, et nostros facinus omnes fructus, qui proveniunt ex eisdem. Non solum autem nostram potestatem in bonis episcopilibus exercemus; imo bona temporalia praebendarum et dignitatum, sive sit jurisdictio temporalis, sive alia bona temporalia, quae possint ad aliquem pertinere, cum vacante praebenda vel dignitate concedimus, et de eis, praedicto tamen modo, disponimus nostro jure.*

⁹ Conc. Claramont. ann. 1095 can. 31. Conc. Tolosan. ann. 1119. can. 4.

German Emperors were not compelled to resign them until the time of Otto IV.¹⁰ Even then they were generally maintained by the German Princes,¹¹ by the rest of the monarchs, and also by their most powerful vassals.¹² The German Emperors retained the *jus primarum precum*,¹² as a pitiful remnant of the *Regalia*.

¹⁰ By Otto IV. and Frederick II., see § 54. note 17. and 30, by Rudolph of Hapsburg §. 58. note 8.

¹¹ Sugenheim i. 289. Frederick's II. universal prohibition of the spoils in the *Confederatio cum Principibus ecclesiasticis*, Frankfort 1220, in Pertz iv. 236, was never observed. When the Margraves of Brandenburg in 1244 renounced all claim on the right of spoils, nevertheless governors and patrons continued to exercise it. Spieker's *Kirchen- u. Reformationsgesch. d. Mark Brandenburg* i. 412, 585.

¹² Sugenheim i. 294. The Conc. gener. Ludg. ann. 1274 can. 12. in Mansi xxiv. 90. pronounces sentence of excommunication (as Guil. Durantis sen, who was present at it says, in his comm. ad canones Conc. Ludg. ad clamorem Praelatorum Franciae et Angliae) against those who *regalia, custodiam, sive guardiam advocacionis, vel defensionis titulum in ecclesiis, monasteriis, sive quibuslibet aliis piis locis, de novo usurpare conantes, bona ecclesiarum, monasteriorum, aut locorum ipsorum vacantium occupare praesumunt*. On the other hand: Qui autem ab ipsarum ecclesiarum, caeterorumque locorum fundatione, vel ex antiqua consuetudine, jura sibi hujusmodi vindicant: ab illorum abusu sic prudenter abstineant, et suos ministros in eis solícite faciant abstinere, quoad ea, quae non pertinent ad fructus sive redditus provenientes vacationis tempore, non usurpent; nec bona caetera, quorum se asserunt habere custodiam, dilabi permittant, sed in bono statu conservent. However the Prerogative of Philip the Fair was again made a subject of contention by Boniface VIII., but without result, see above §. 59. note 13. and note 21., no. V.

¹³ The first known document on this head in Germany is by Conrad IV., King of Rome, in the year 1242 (found in Senkenberg Cod. Probationum p. 9), and by King Richard (in Guil. Durantis specul. juris lib. iv. P. iii. tit. de dignitat. et praeb. § 2. no. 7. and in Aventini antiqu. Altab. in Oefele scriptt. rer. Bavar. i. 728): He, however, already makes use of the expression: *vestigia praedecessorum nostrorum et imperatorum Romanorum inhaerentes*. Rudolph of Hapsburg writes to an abbot in the *Paraleipomenis ad chron. Ursperg. ann. 1286*, and quoted thence in Goldast. const. Imp. iii. 446: *Cum ex antiqua et approbata, ac a divis Imperatoribus et Regibus ad nos producta consuetudine quaelibet Ecclesia in nostro Romano Imperio constituta, ad quam beneficiorum ecclesiasticorum pertinet collatio, super unius collatione beneficii precumstrarum primarias admittere teneatur, Devotionem tuam rogamus, quatenus huic clerico de ecclesiastico beneficio, quod ad tuam collationem attinet, ob reverentiam sacri Imperii, studeas liberaliter providere.* cf. Würdtwein subsid. dipl. ii. 1. On the whole question Thomassinus P. ii. lib. i. c. 54. especially II. C. de Senken-

Since even the clergy in the 12th century were taxed by their secular lords, not unfrequently in an unjust and violent manner:¹⁴ Alexander III. (in 1179) decreed that all contributions to the necessities of the State, which were not founded on feudal obligations, should depend upon their own free grant;¹⁵ Innocent III. (1215) made them dependent on the Pope's permission.¹⁶ Though even now the clergy were often burdened with heavy imposts in favour of individual princes with the Pope's concurrence:¹⁷ still the fundamental principle might be main-

berg de jure primarum precum Regum Germaniae Imperatorumque, indulto papali haud indigente tract. ed. R. C. de Senkenberg. Francof. ad M. 1784. 4.

¹⁴ Concerning the taxes and immunities of the clergy at this time consult particularly Thomassin P. iii. lib. i. c. 41—44. Planck iv. ii. 158. Bernard of Clairvaux in his letter of thanks to the Duke of Lorraine for the release from taxation (epist. 119), writes about it like Ambrose (vol. i. part 2. § 91. note 2): Alioquin non renuimus Domini nostri sequi exemplum, qui pro se non dedignatus est solvere censum, parati et nos, libenter quae sunt Caesaris Caesari reddere, et vectigal cui vectigal, et tributum cui tributum: praesertim quia juxta Apostolum non tam debemus *requirere datum nostrum, quam vestrum lucrum* (Phil. iv. 17.)

¹⁵ Conc. Lateran. iii. can. 19. in Mansi xxii. 228 (Decr. Greg. lib. iii. tit. 49. c. 4): in diversis partibus mundi rectores et consules civitatum necnon et alii, qui potestatem habere videntur, tot Ecclesiis frequenter onera imponunt, et ita gravibus eas crebrisque exactionibus premunt, ut deterioris conditionis factum sub eis sacerdotium videatur, quam sub Pharaone fuerit, qui divinae legis notitiam non habebat.—Universa fere onera sua impendant Ecclesiis, et tot angariis eas affligunt, ut illud eis, quod Jeremias deplorat, competere videatur: *Princeps provinciarum facta est sub tributo* (Thren. i. 1.) Sive quidam fossata, sive expeditiones, sive quaelibet sibi arbitrentur agenda: de bonis Ecclesiarum, clericorum et pauperum Christi usibus depuratis cuncta volunt fere compilari.—Quocirca sub anathematis districtione severius prohibemus, ne de caetero talia praesumant attentare, nisi Episcopus et Clerus tantam necessitatem vel utilitatem aspexerint, ut absque ulla coactione ad relevandas communes necessitates, ubi laicorum non suppetunt facultates, subsidia per Ecclesias existiment conferenda.

¹⁶ Conc. Lateran. iv. can. 46. in Mansi xxii. 1030 (Decr. Greg. lib. iii. tit. 49. c. 7), with reference to Alexander's decree: Verum si quando Episcopus simul cum Clericis tantam necessitatem vel utilitatem prospexerint, ut—subsidia per Ecclesias duxerint conferenda: praedicti laici humiliter et devote recipiant cum actionibus gratiarum. Propter imprudentiam tamen quorundam Romanum prius consulant Pontificem, cujus interest communibus utilitatibus providere.

¹⁷ There are instances of Papal grants above § 56. note 17. § 57.

tained, that the clergy could never be taxed by secular princes.¹⁸ Only in the free towns there was developed an opposition, more active as issuing from the people, against the freedom from taxation usurped by the clergy.¹⁹

In the same manner the clergy claimed immunity from all secular tribunals,²⁰ especially in personal cases. But when the

not. 2. § 59. not. 10. cf. Thomassin. P. iii. lib. i. c. 41. § 6. ss. c. 43. § 5. ss.

¹⁸ Many Prelates indeed still sought to obtain immunity from taxation by privilege from their sovereign lord (see Hüllmann's *Gesch. d. Ursprungs d. Stünde 2te Ausg. s. 235*): others, however, demanded this as a right in the widest signification. cf. Conc. Narbon. ann. 1227 can. 12. in Mansi xxiii. 24: *Item statuimus, ut clerici occasione patrimonii sui vel personae nullatenus tallicentur etc.* In like manner Conc. Tolosan. ann. 1229 can. 20. 21. Conc. Biterrense ann. 1246 can. 22. Conc. Nannet. ann. 1264 can. 7. Conc. Colon. ann. 1266 can. 8. Conc. Budense ann. 1279 can. 59 et 60. (in Mansi xxiv. 300.) Compare the attempts of Boniface VIII. above § 59. note 6 and the next.

¹⁹ Compare note 15. In this point the Lombard cities came forward with their example. Raumer's *Hohenstaufen v. 110*. Hüllmann's *Städtewesen iv. 127*. Hurter's *Innoc. III. iii. 288*. In the year 1230 the men of Zurich agreed on the law, that priests also should pay taxes, keep watches, repair walls and moats, and bear other common burdens, see Tschudi's *Schweizerchronik* for the year 1230.

²⁰ This was claimed in its widest signification by Urban II. See above note 1. cf. Conc. Nemausense ann. 1096 can. 14 (Mansi xx. 936): *Nullus—nec clericos, nec monachos in curiam suam ad saeculare cogat venire iudicium: quoniam hoc rapina esset et sacrilegium.* However, Gratian, under *caus. xi. qu. 1. c. 20*, thus states the practice of the courts in his time on this point: *Ex his omnibus datur intelligi, quod in civili causa clericus ante civilem iudicem conveniendus est.—In criminali vero causa non nisi ante Episcopum est clericus examinandus.* On the other hand, Alexander III. already declares once more, Conc. Lateran. ann. 1179 can. 14: *Sane quia laici quidam ecclesiasticas personas, et ipsos etiam Episcopos, suo iudicio stare compellunt; eos, qui de caetero id praesumpserint, a communione fidelium decernimus segregandos.* And Innocent III. (*Deer. Gregor. lib. ii. tit. 2. c. 12*) upbraids the Archbishop of Pisa with this charge: *asseruisti, te usque ad haec tempora tenuisse, quod licitum sit cuilibet clerico renunciare saltem in temporalibus causis iuri suo, et sibi laicum iudicem constituere, praesertim ubi adversarii voluntas accedit, and disclaims this opinion, cum non sit beneficium hoc personale, cui renunciari valeat, sed potius toti collegio ecclesiastico sit publice indultum, cui privatorum pactio derogare non potest.* Frederick II., on his coronation at Rome 1220, granted the widest exemption to the clergy, by the constitution which was adopted also into the *cod. Justin.* under *lib. i. tit. iii. l. 33* (Pertz iv. 211): *Statuimus, ut nullus ecclesiasticam personam in criminali*

lenity shown by the Church to criminal clerks,²¹ evidently introduced the greatest disorders, the secular power endeavoured from time to time to reclaim its jurisdiction over the crimes of the clergy,²² and thereby effected at least an increase of severity in the ecclesiastical tribunals.²³

questione vel civili trahere ad iudicium saeculare praesumat, contra constitutiones imperiales (see vol. i. Part 2, § 113, note 14) et canonicas sanctiones. Quod si fecerit, actor a suo jure cadat, iudicatum non teneat, et iudex sit ex tunc potestate iudicandi privatus. On the whole subject, comp. Thomassin. P. ii. lib. iii. c. 112—114.

²¹ Celestine III., in the year 1192, thus declares the fundamental principles of the Church, with regard to the punishment of the crimes of the clergy (Decr. Greg. lib. ii. tit. 1. c. 10): *Si clericus—in furto, vel homicidio, vel perjurio, seu alio mortali crimine fuerit deprehensus legitime, atque convictus, ab ecclesiastico iudice deponendus est. Qui, si depositus incorrigibilis fuerit, excommunicari debet, deinde, contumacia crescente, anathematis mucrone feriri. Postmodum vero, si in profundum malorum veniens contemperit; cum Ecclesia non habeat ultra, quid faciat, et ne possit esse ultra perditio plurimorum, per saecularem comprimendus est potestatem, ita quod ei deputetur exsilium, vel alia legitima poena inferatur. The secular judge was only allowed (Conc. Ilerdense ann. 1129 in Thomassin. P. ii. lib. iii. c. 113, § 5) to arrest such clergy flagrante maleficio in furto, rapina, homicidio, vel raptu mulierum, vel eudendo falsam monetam; but non ut vindictam in ipsum exerceat, sed ut eundem reddat ecclesiastico iudici. Even Richard Cœur de Lion ordained this in Normandy (Matth. Paris ad ann. 1190 p. 161.) On the other hand, Nicolas III. granted this same right as a privilege to Philip, King of France (Rayn. ann. 1278, § 37.)*

²² Thus Henry II. intended (in the year 1164) to put an end to the crimes of the clergy in England by the constitutions of Clarendon, cap. 3. See about this and the result § 52, note 25 ss. Philip Augustus proceeded more cautiously in France with his Barons in the Capitulis de interceptionibus clericorum adversus jurisdictionem domini Regis ann. 1219 (Ordonnances des Roys de France de la troisième race, recueillies par M. de Laurière i. 40, and Nouvel examen de l'usage général des fiefs en France par M. Brussel. Paris 1750. 4. t. ii. Appendix p. xxvii.): *Secundum capitulum, quod quando clericus capitur pro aliquo forisfacto, unde aliquis dicitur vitam vel membrum perdere, et traditur Clero ad degradandum, clerici volunt degradatum omnino liberare. Ad quod respondemus: quod clerici non debent eum degradatum reddere curiae, sed non debent eum liberare, nec ponere in tali loco, ubi capi non possit: sed Justitarii possunt illum capere extra ecclesiam vel cimiterium, et facere justitiam de eo, nec inde possunt trahi in causam.—Si clericus deprehensus fuerit in raptu, tradetur Ecclesiae ad degradandum; et post degradationem eum capere poterit Rex vel Justitarius extra ecclesiam vel atrium, et facere justitiam de eo; nec poterit inde causari. In the same manner he had already decreed, in the year 1214, with reference*

On the other side the Prelates carried onward their invasion upon the rights of the State, but still in a manner which was often productive of good in that age, when at one time they encountered civic misrule and injustice with spiritual weapons,²⁴

to Crusaders (*Ordonnances* l. c. p. 34) : 6. Si Ballivi domini Regis aliquem cruce signatum deprehenderint ad praesens forefactum, pro quo debeat membris mutilari, vel vitam amittere secundum consuetudinem curiae saecularis, Ecclesia non defendet eum, vel res ejus. In aliis autem levioribus et minoribus forefactis—Ballivus—reddat absolute ipsum et res suas Ecclesiae requirenti pro jure faciendo. In Venice (see Gregorii IX. ep. ad ducem et commune Venet. ann. 1234 in Höfer's *Friedrich II.* s. 341) the Doge availed himself of a grant of the Patriarch of Grado, ut clerici de Venetiis sibi subjecti coram Duce de maleficiis et excessibus responderent, and had outlawed those who refused to appear before him, to answer for such charges : ut, si quis eos offenderet in rebus vel personis, remaneret impunis. Several ecclesiastics were put to death, others imprisoned. The same happened in the Lombard cities, Raumer's *Hohenstaufen* v. 113. Compare in fine the legislation of Frederick II. in Sicily in the year 1231, above § 55, note 15.

²³ Innocent III. *Deer. Greg.* lib. ii. tit. 1. c. 17 : Praecipiat ex parte nostra Praelatis, ut laicis de clericis conquerentibus plenam faciant justitiam exhiberi,—ne pro defectu justitiae clerici trahantur a laicis ad iudicium saeculare, quod omnino fieri prohibemus. Idem *Deer. Greg.* lib. v. tit. 39. c. 35 : cum Praelati excessus corrigere debeant subditorum, et publicae utilitatis intersit, ne crimina remaneant impunita, et per impunitatis audaciam fiant, qui nequam fuerant, nequiores : non solum possunt, sed debent etiam superiores clericos, postquam fuerint de crimine canonice condemnati, sub arcta custodia detinere. He wrote also to the Bishop of Paris (*Deer. Greg.* lib. v. tit. 40. c. 27. § 1) : Pro illo falsario clerico scelerato—hoc tibi duximus consulendum, ut in perpetuum carcerem ad agendam poenitentiam ipsum includas, pane doloris, et aqua angustiae sustentandum, ut commissa defeat, et flenda ulterius non committat. The Conc. Lambethense ann. 1261 threatens on this account sentence of excommunication and interdict against the Detentoribus clericorum (*Mansi* xxiii. 1065), then however it decrees (p. 1072) : quod quilibet Episcopus in suo Episcopatu habeat unum vel duos carceres—pro clericis flagitiosis deprehensis in crimine, vel convictis, iuxta censuram canonicam detinendis. Item statuimus, quod si clericus aliquis adeo malitiosus et incorrigibilis fuerit,—quod, si esset laicus, secundum leges saeculi ultimum deberet pati supplicium, talis clericus carceri perpetuo addicatur.

²⁴ In the first place by ecclesiastical legislation. Thus there were ecclesiastical laws with threats of the highest spiritual penalties, for the observation of the Treuga Dei (see above Part I. § 36. note 4. Conc. Claramont. ann. 1095. c. 1. Conc. Lateran. ann. 1102. Conc. Lateran. i. gen. ann. 1123. c. 13. Conc. Lateran. ii. gen. ann. 1139. c. 12

at another, by the same means, drew into their own hands the principal share in the administration of civic justice; so that the number of causes exclusively reserved for ecclesiastical judges, was ever on the increase,²⁵ and recourse to them was open under

Conc. Lat. iii. ann. 1179. c. 21, and so forth), against piracy (Conc. Lat. iii. c. 24) against the appropriation of stranded goods (ibid. and even earlier Conc. Nannetense ann. 1127), against sacrilege and incendiarism (Deer. Greg. lib. v. tit. xvii. De raptoribus, incendiariis et violatoribus ecclesiarum. Conc. Herbipol. ann. 1287. c. 30: De spoliatoribus stratarum), against usury (Deer. Greg. lib. v. tit. 19. De usuris, however this was afterwards encouraged even by the Pope, see above § 55. note 12), against false coinage (Conc. Lat. i. gen. c. 15), against tournaments (Conc. Lat. ii. gen. c. 14. Conc. Lat. iii. c. 20, detestabiles illas nundinas vel ferias, quas vulgo torneamenta vocant, cf. Deer. Greg. lib. v. tit. 13. De torneamentis), against trial by ordeal, which formerly was allowed (Deer. Greg. lib. v. tit. 35. De purgatione vulgari. See above Part 1. § 36.) But there were also prohibitions of new imposts (first indeed Alexander III. decreed in Conc. Lat. iii. gen. c. 22: Nec quisquam alicui novas pedagiorum exactiones sine auctoritate Regum et Principum consensu statuere,—aut veteres augmentare aliquo modo temere præsumat; however, afterwards the conditions were left out in the prohibition, Conc. Monspelliense ann. 1214. c. 43. Conc. Tolos. ann. 1229. c. 21. Conc. Biterrense ann. 1246. c. 29, and the Conc. Herbipol. ann. 1287. c. 40 even ordains: Cum imponentes et exigentes nova passagia, vel antiqua seu concessa augmentantes singulis annis summus Pontifex in Coena Domini anathematis vinculo denunciet subjacere: statuimus, ut ordinarii locorum—singulis annis in Coena Domini solemniter coram populo eosdem, sive sint Archiepiscopi etc. aut laici, seu saeculares personae, quocumque nomine censeantur, pulsatis campanis et candelis accensis, excommunicatos denuncient, usque ad integram restitutionem tanquam excommunicatos ab omnibus evitandos. Compare the encroachments of Boniface VIII. on Philip the Fair, above § 59. note 21.) And there was interference even in the art of war (Conc. Lateran. ii. gen. c. 29 in Deer. Greg. lib. v. tit. 15. c. unic.: Artem autem illam mortiferam et Deo odibilem ballistariorum et sagittariorum adversus Christianos et Catholicos exerceri de caetero sub anathemate prohibemus.)—These rules of discipline were to be administered by the Synodal tribunals. See above Part 1. § 35. note 1, compare Montag's Gesch. der deutschen Staatsbürgerl. Freiheit ii. 412.

²⁵ Innocent. III. lib. xii. ep. 154 ad Comitem Tolosanum (Deer. Greg. lib. v. tit. 40. c. 26): super universis capitulis, quae pro pace servanda sunt,—item viduis, pupillis, orphanis et personis miserabilibus teneris in iudicio ecclesiastico respondere (see vol. 1. part 2. § 115).—Beside, all civil and criminal cases against persons who had taken the cross, belonged exclusively to the ecclesiastical tribunal, all cases of marriage—wills and covenants and accusations of usury. Comp. Thomassin. p. ii. lib. 3. c. 110. Planck IV. ii. 249. de Pouilli sur la

all circumstances.²⁶ Yet in the 12th century even within the pale of the Church, Bernard's voice of warning was raised against this immoderate extension of Episcopal jurisdiction;²⁷ afterwards, however, it was attackt only by the secular power from time to time, and stoutly defended by the Church.²⁸

naissance et les progrès de la jurisdiction temporelle des églises in the Memoires de l' Acad. des Inscr. xxxix. 603. Schilling de origine jurisdict. eccl. in causis civilibus. Lips. 1825. 4. p. 53 ss. At last Lucius III. decreed ann. 1181 (Deer. Greg. lib. ii. tit. ii. c. 8) personis ecclesiasticis—malefactores suos—sub quo maluerint iudice convenire. For this reason ecclesiastics bought up cases, in order to bring them before ecclesiastical tribunals: this was forbidden by Gregory IX. (Deer. Greg. lib. i. tit. 42. c. 2) and Conc. ad Castrum Guntherii ann. 1231 c. 19.

²⁶ The Church claimed the superintendence of all justice: Thus Conc. Lateran. II. gen. ann. 1139 c. 20. (Caus. xxiii. qu. 8. c. 32) adds to the decree about the ecclesiastical punishment of incendiaries: Sane Regibus et Principibus faciendae justitiae facultatem *consultis Episcopis et Archiepiscopis* non negamus:—Thence the appeals in defectu justitiae saecularis, even in matters of feudal tenure (Alexander III. ad Archiep. Senonensem, in Deer. Greg. lib. ii. tit. 2. c. 6: per dominum feudi causam jubeas terminari, et si ipse malitiose distulerit, tu ei debitum finem imponas. cf. c. 10 and 11.) Innocent III. advanced furthest in the Decretale ad Praelatos Franciae, by which the Denunciatio Evangelica was established, see above § 54. note 6. The Gloss to this even says: executionem gladii temporalis Imperatoribus et Regibus commisit Ecclesia, et tamen jurisdictionem causarum civilium aliquando per Sacerdotes exercuit. Compare Bonifacii VIII. epist. above § 59. note 7, and the speech of Cardinal Portuensis § 59. note 25. cf. Schilling de orig. jurisdict. eccl. in causis civil. p. 66.

²⁷ Bernard. de considerat. lib. i. c. 3. Quaeso te, quale est istud, de mane usque ad vesperam litigare, aut litigantes audire? Et utinam sufficeret diei malitia sua, non sunt liberae noctes etc. c. 6: Putasne haec tempora sustinere, si hominibus litigantibus pro terrena haereditate, et flagitantibus abs te iudicium, voce Domini tui responderes: *O homines, quis me constituit iudicem super vos?* (Luc. xii. 14.) In quale tu iudicium mox venires? “Quid dicit homo rusticanus et imperitus, ignorans primatum suum, inhonorans summam et praeelsam sedem, derogans apostolicae dignitati?” Et tamen non monstrabunt, puto, qui hoc dicent, ubi aliquando quispiam Apostolorum iudex sederit hominum, aut divisor terminorum, aut distributor terrarum.—Mihi tamen non videtur bonus aestimator rerum, qui indignum putat Apostolis seu apostolicis viris non iudicare de talibus, quibus datum est iudicium in majora.—Quaenam tibi major videtur et dignitas et potestas, dimittendi peccata, an praedia dividendi? Sed non est comparatio. Habent haec infima et terrena iudices suos, Reges et Principes terrae. Quid fines alios invaditis? Quid falcem vestram in alienam messem extenditis? etc.

²⁸ Only Alphonso X. yielded everything by his decision in the

§ 64.

INTERNAL RELATIONS OF THE DIOCESAN HIERARCHY.

Just as on one side the Episcopal rights were curtailed by the Popes, so on the other side, the Cathedral chapters also, especially after they had attained the exclusive privilege of Episcopal

Partidas, that all law-suits, which rose from sins, belonged to the ecclesiastical tribunal: still the Cortes often protested: see § 62. note 22, and the treatise by Rosseeuw St Hilaire p. 847 quoted there. Everywhere there rose a feeling of hostility between the secular and ecclesiastical tribunals: thence the charge: *saeculares iudices in exhibenda justitia personis ecclesiasticis saepe in judicio sunt remissi* (Lucius III. ann. 1181 in Decr. Greg. lib. ii. tit. 2. c. 8.) The accusation was retorted on the secular side especially in France: *Capitula de interceptionibus Clericorum adv. jurisdictionem domini Regis*, ann. 1219, above note 22. There were new complaints of the Barons at the Assembly of the States at Melun in the year 1225. Compare *Preuves des libertés de l' église Gallic. ch. vii. nr. 5.* Under St Lewis a combination of the Barons was formed against the usurpations of the Church (Matth. Paris ann. 1246 p. 719), where among other things it was also settled (p. 720) *ut nullus clericus vel laicus alium de caetero trahat in causam coram ordinario iudice vel delegato, nisi super haeresi, matrimonio, vel usuris: amissione omnium bonorum suorum et unius membri mutilatione transgressuris imminente:—ut sic jurisdictio nostra resuscitata respiret, et ipsi hactenus ex nostra depauperatione ditati—reducantur ad statum Ecclesiae primitivae, et in contemplatione viventes nobis, sicut decet, activam vitam ducentibus ostendant miracula, quae dudum a saeculo recesserunt.* Compare on the other hand the letters of condemnation by Innocent IV. to the French clergy, to his Legate the Episc. Tusculanus (both are in Raynald 1247 no. 49 ss. the last is given more fully in Duchesne hist. Franc. scriptt. v. 714, but by mistake as an epist. Innoc. III.) and ad Episc. Aurelianensem (in Bulaei hist. Univ. Paris. iii. 210.)—Thence the decrees of councils against those who *ut nullus conqueratur coram ecclesiastico iudice, prohibent.* Conc. Herbipol. 1287 c. 36. Statuta synodal. Joannis ep. Leodiensis ann. 1287 tit. xvii. c. 9. (Mansi xxiv. 922.) Conc. Compendiense 1301 c. 4. 5. Guil. Durantis de modo celebrandi concil. gener. P. ii. rubr. 70. In Germany Imperial admonitions were given that ecclesiastical and secular tribunals should not overstep their boundaries, see *Sammlung der Reichsabschiede* i. 17 (ann. 1232), s. 36 (Rudolph v. Habsburg 1282 und 1291), s. 38 (Adolph v. Nassau 1293 u. Albrecht i. 1303.) In consequence there was from time to time a withdrawal of ecclesiastical usurpations Conc. Mogunt. 1261 can. 18 (in Hartzheim Concil. germ. iii. 600): *Ne Praelati vel*

election,¹ extended their independence and authority at the cost of the Bishops.² On the other hand the Archdeacons of the 13th

quilibet iudices ecclesiastici de causis, quas laici habent ad invicem, se ullatenus intromittant, nisi tales sint causae, quas ad forum ecclesiasticum non sit dubium pertinere: ne ex hoc saeculare iudicium, quod est valde incongruum, enervetur. Conc. Colon. 1266 c. 17 (l. c. p. 623.) Conc. Mogunt. 1310. Tit. de foro competente (ibid. iv. 184.)

¹ The share of the Laity in the election of Bishops, was naturally much lessened by the principles vindicated in the contest about investiture. On the other hand, Innocent II. decreed Conc. Later. ann. 1139 c. 28: sub anathemate interdicimus, ne canonici de sede episcopali ab electione Episcoporum excludant religiosos viros: sed eorum consilio honesta et idonea persona in Episcopum eligatur. Accordingly, Gerohus Praep. Reichersperg. lib. v. (Baluz. miscell. v. 88), thus determines the manner of election: Spirituales et religiosi viri habent consulere, Canonici eligere, populus petere, honorati (for instance the Provost and noble officers) assentire, yet already with the condition, that if the last noluerint praebere assensum, non propter hoc irrita erit electio, si alias est canonica, compare Hurter's Innocenz III. iii. 224. Still Bernard, Bishop of Paderborn, styles himself, in 1189, as ex cleri et populi electione ad apicem cathedrae Paderbrunnensis sublevatus, Riefert's Münsterische Urkundensammlung ii. 260. After that the election of the Pope had passed exclusively into the hands of the Cardinals, (see above § 52 note 30), the Cathedral chapters imitated this custom, and Innocent III. decreed simply, Conc. Later. IV. ann. 1215 c. 24 (Decr. Greg. I. vi. 42), as also the oath already required in 1209 from Otto IV. (see above § 54 note 17), ut is collatione adhibita eligatur, in quem omnes, vel major, vel sanior pars capituli consentit: and Gregory IX. (Decr. Greg. I. c. c. 56): Edicto perpetuo prohibemus, ne per laicos cum canonicis Pontificis electio praesumatur. Quae si forte praesumpta fuerit, nullam obtineat firmitatem: non obstante contraria consuetudine, quae dici debet potius corruptela. Cf. Thomassinus P. ii. lib. ii. c. 33. Disqu. de Capitulum metropolitanorum et cathedralium Germaniae origine, progressu et iuribus etc. auct. M. C. Jeto. Amstelod. 1758. 4. § 32 ss. Planck IV. ii. 588 ff. Raumer vi. 21.

² Especially by means of articles, which they made the newly elected Bishop promise upon oath, so that Innocent III., 1204. declared all such iuramenta in damnum episcopalis iuris, to be not binding (Decretal. Gregor. II. xxiv. 27): Likewise Nicolas III., 1278 (Sexti II. xi. 1) P. Gallade diss. de capitulatione Episcopo Germaniae electo proposita in A. Schmidt thesaurus juris eccles. ii. 767. Right of punishment over their own members was allowed to the Chapters (Decret. Greg. I. xxxi. 13); they often, however, ventured on great invasions of the episcopal power, even on passing measures against the Bishops. Accordingly the Bishops of the ecclesiastical province of Rheims at Compiègne in the year 1277, united in a common resistance (Mansi xxiv. 183), attendentes quod capitula et canonici cathedralium Ecclesiarum nostrae Remensis provincia in nos—exerceverunt, spiritualia jura sibi damnabiliter usurpando, interdum auctoritate propria, interdum etiam per

century, by their arrogant encroachments,³ caused more and more of their authority to be withdrawn from them,⁴ and bestowed on the newly instituted episcopal officials,⁵ and peniten-

exquisitas lites, quas contra nos aggredi non verentur, nonnumquam etiam per subtractionem divini officii, contra nos pro suae libertatis arbitrio sua organa suspendendo. Other examples may be seen in J. H. Bochneri *jus eccl. Protestantium* T. ii. lib. iii. tit. 9. § 8 ss. Thomassinus P. i. lib. 3. c. 41.—The Chapters were at this time places reserved for the younger sons of the nobility. The Chapter of Strasburg in 1232 prided itself, before Gregory IX. (*Decr. Greg.* lib. iii. tit. 5. c. 37) upon consuetudinem antiquam, inviolabiliter observatam, juxta quam nullum, nisi nobilem et liberum, et ab utroque parente illustrem—in suum consortium hactenus admiserant; the Pope, however, disclaimed this usage, quod non generis, sed virtutum nobilitas vitaeque honestas gratum Deo faciunt etc. When Nicolas IV. had appointed the famous Peter Aichspalter (physician to the Emperor Rudolph, afterwards Archbishop of Mayence) to be Dean of the Chapter at Treves in the year 1289, many members of the Cathedral body opposed this and another appointment (*Gesta Trevirorum* edd. Wytttenbach et Müller ii. 138): asserebant enim, se juramento adstrictos esse, et super hoc publicum confirmationis instrumentum sedis apostolicae impetrasse, quod personas, quantumcunque literatas.—nisi de clara stirpe genitas, admittere—non debeant in canonicos et fratres. After a hard struggle, however, they were obliged to yield. Seufert's *Geschichte des deutschen Adels in den hohen Erz- und Domeapiteln*. 1790. Hurter's *Innocenz III.* iii. 348.—Comp. especially Planck IV. ii. 565. Raumer vi. 29.

³ Concerning their rights and duties see *Decr. Greg.* lib. i. tit. 23. *De officio Archidiaconi*. So cap. 1. Ut Archidiaconus post Episcopum sciat, se vicarium esse ejus in omnibus. Nevertheless the jurisdiction delegated gradually changed into an ordinaria; and the Archdeacons abused their power to oppress the inferior clergy and defy their Bishops. Thomassin. P. i. lib. ii. c. 20. J. G. Pertschens *Abhandl.* v. d. Archidiacon, bischöfl. Officialen und Vicarien. Hildesheim 1743. Planck IV. ii. 598. Hurter's *Innoc.* III. iii. 364.

⁴ By the Provincial Synods of the 13th century, e.g. Conc. apud Vallem Guidonis ann. 1242 cap. 4: Sane quia nonnulli, quos ecclesiasticus ordo ad relevamen et subsidium Episcoporum elegit, et ss. Patrum canones decreverunt, ut quod per seipsos non possent, facilius cognoscentes per alios explicarent, falcem suam in messem alienam mittentes, ad illicita manus suas et prohibita mittere non verentur: statuimus, ut Archidiaconi et alii de causis matrimonialibus, simoniae, vel aliis, quae degradationem vel amissionem beneficii, vel depositionem exigant, nisi de speciali mandato sui pontificis, nullatenus cognoscere vel diffinire praesumant, nec Officiales habere, excepto civitatis Archidiacono qui alias officiales habere consuevit. Comp. Pertsch s. 81, 190, 197.

⁵ Single examples of this office occur in the 12th century (Thomassin. P. i. lib. ii. c. 8. § 3. Pertsch s. 271): in the thirteenth they

tiaries.⁶ When, from the 13th century onwards, the titular Bishops⁷ also came into vogue, the wealthier Bishops found so

become more common (Conc. Paris. ann. 1212 P. iii. c. 11, and Conc. Rotomag. ann. 1214 P. iii. c. 11: [Episcopi] *Officiales fideles habeant et prudentes sine personarum acceptione gratis justitiam exhibentes.*) In the Decret. Greg. the officials were not even mentioned in lib. i. tit. 28. *De officio vicarii*, on the other hand, in the lib. Sextus Decretalium lib. i. tit. 13, refers the chap. *De officio vicarii* only to them. There are several mentions of them: *Officiarius* (Conc. Cicestrens. ann. 1289 c. 10), *Vicarius in spiritualibus et temporalibus* (Conc. ap. Nobiliacum ann. 1290), *Tenens vices Episcopi* (Conc. Pergam. ann. 1311 rubr. 22), *Vicarius in spiritualibus* (l. c. rubr. 23), *Vicarius seu officialis* (l. c. rubr. 24.)—The first trace of distinction between the *Vicarius in spiritualibus* and the *Officialis*, seems to be found in the Conc. Colon. ann. 1280, see Pertsch s. 273. Comp. Joh. Wolf's hist. Abhandl. v. d. geistl. Commissarien im Erzstift Mainz. Göttingen 1797. 8.

⁶ Innocent III. gave rise to them by the decree, Conc. Later. ann. 1215 cap. 10 (Decr. Greg. lib. i. tit. 31. c. 15): *Præcipimus, tam in cathedralibus quam in aliis conventualibus ecclesiis viros idoneos ordinari, quos Episcopi possint coadjutores et cooperatores habere, non solum in prædicationis officio, verum etiam in audiendis confessionibus, et poenitentiis injungendis, ac caeteris, quae ad salutem pertinent animarum. Si quis autem hoc adimplere neglexerit, districtae subiaceat ultioni.* Cf. Thomassin. P. I. lib. ii. c. 10, § 5 ss. To these Penitentiaries now fell also the *casus Episcopo reservati*, about these consult Thomassin. P. I. lib. ii. c. 14.

⁷ *Episcopi in partibus infidelium* or *Episcopi titulares*, according to the exigencies of the case, had already been established in Spain, ever since the invasion of the Saracens (Thomassin. P. i. lib. i. c. 27. § 8 ss.), and in the Byzantine empire (l. c. c. 28 § 4 ss.) In the 13th century some wealthy bishops of the west began to employ their colleagues who were driven about that time from the east, as *Vicarii in pontificalibus* or *Suffraganei*. The first recognised suffragan Bishops are Henricus Ostiensis Episc. in Trèves, in the year 1241 (Honthem. hist. Trevir. i. 640); in Mayence 1248 Theodericus Ep. Vironensis (Johannis rerum Mogunt. ii. 421 and the continuation in Bodmanns Rhein-gauischen Alterthümern. Mainz 1819. 4. s. 832): soon after suffragans are found at Cologne (J. H. Heister Suffraganei Colonienses. Colon. 1614. p. 65); about 1255 Thomas Cantipratensis is suffragan Bishop in Cambray. After the complete conquest of Palestine by the Saracens, the banished bishops wandered about the west in great numbers, and offered their services everywhere, especially to the abbeys exempt from episcopal jurisdiction, and this led the way to great abuses. Clement V. declared at the Conc. Viennense ann. 1311 (Clementin. lib. i. tit. iii. c. 5): *In plerisque Ecclesiis—clero carentibus et populo christiano multos frequenter, et religiosos praesertim, improvida superiorum provisio ad pontificatus adsumit honorem, qui nec, ut expediret, prodesse, nec praeesse, ut deceret, valentes, instabilitate vagationis et mendicantis*

many substitutes, that they had no farther occasion to trouble themselves about the exercise of their office. In imitation of their example, the cathedral canons also transferred their ecclesiastical duties to vicars, and became idle gluttons.⁸

§ 65.

MORALITY OF THE CLERGY.

The ecclesiastical laws which aimed at the outward propriety of the clergy were indeed significantly increased in severity, and often enough renewed in this period. They did not however produce their intended effect, from the want of an inward organization of morality. An effort was made at the end of the eleventh century to restore in the religious foundations the canonical mode of life,¹ even in conformity with one of the stricter

opprobrio serenitatem pontificalis obnubilant dignitatis. Accordingly he decreed, ut nullus de caetero, quantacunque dignitate praepollens, nisi speciali super hoc auctoritati sedis apostolicae fulciatur, de pastore provideat cathedrali ecclesiae, sibi qualitercumque subjectae, quae clero careat et subditis Christianis: nullusque religiosus a suo umquam, quod provisioni tali consentiat, licentietur Praelato. Cf. Conc. Ravennate ii. ann. 1311 rubr. 24. *De excessibus Praelatorum*:—Valde indignum est, juri Ecclesiae et honestati contrarium, quod admittantur et recipiantur ad episcopalia exercenda ignoti et vagabundi Episcopi, et maxime lingua et ritu dissoni: ex quorum ordinatione, sicut experientia docuit, proveniunt duo mala, quia promoventur incogniti, inhabiles et indigni, et etiam de ipsorum rita ordinatione dubitatur etc. Conc. Ravenn. iii. ann. 1314 rubr. 4: Item exhortamur,—ac attentius requirimus omnes et singulos exemptos,—ut nullos Episcopos peregrinos vel ignotos, et populum subditum citra mare non habentes, invitent, seu admittant ad ordinationes tenendas, seu alia pontificalia exercenda in ipsorum Ecclesiis, monasteriis vel locis. In the 14th century they began to find employment universally with the Bishops as Vicarii in Pontificalibus, particularly in Germany, Spain, and Portugal. In France, on the other hand, suffragan Bishops never came into office. Cf. Thomassin. P. i. lib. i. c. 27 ss. F. A. Dürr diss. de Suffraganeis s. Vicariis generalibus in pontificalibus Episcoporum Germaniae. Mogunt. 1782. 4. Planck IV. ii. 604.

⁸ There was a brief of Clement IV. in 1266, in which the canons of Merseburg were forbidden this abuse, see Fraustadt's Einführung d. Reform. in Hochstifte Merseburg, Leipzig 1843, s. 10.

¹ Cf. Thomassinus, P. i. lib. iii. c. 11 and c. 21. According to Chrode-

rules (the so-called *regula S. Augustini*) : but the new regulations were soon relaxt.² The celibacy of the clergy, which was now

gang's rule the canons possessed the ecclesiastical revenues in common ; however, each one remained in sole possession of his own private means. The Cathedral of S. Rufus in Avignon, founded in the year 1039, was the first to have regular canons, who lived in complete community of goods (*Pagi crit. ad h. a. no. 8 and 10*) : Yet this regulation was not strictly enforced, when Nicolas II. and Alexander II. sought to re-establish the *vita canonica* universally (see Part i. § 26, note 3), and at the same time Petrus Damiani asserted the authority of St. Augustine for it. Petrus D. stated (*lib. i. ep. 6, ad Alexandrum P.*), with reference to the *sermone* ii. de moribus clericorum by this Father, *quia clericus, qui pecuniam possidet, ipse Christi possessio vel haereditas esse, vel Deum haereditate possidere non potest. Quod tamen non de Clericis omnibus dicimus, sed de his specialiter, qui canonico censentur nomine, et vivunt in congregatione.* At the same time he censured the *regula Aquisgranensis* (Part I, § 8, note 6), which still allowed canons to retain their private possessions, and the canons who availed themselves of it. Thus a *regula S. Augustini* began to be spoken of, till at length one was actually composed from those sermons (see in *Luc. Holstenii codex regularum monasticarum et canonicarum ed. Marian. Brockie ii. 120.*) *Bernoldus ad ann. 1091* (in *Pertz vii. 452*) is the first to mention three *coenobia clericorum juxta regulam s. Augustini communiter viventium*, founded by Altmann, Bishop of Passau, and *ad ann. 1095* (p. 463), another established by Lutolphus, Bishop of Toul, the foundation deed of this, dated vi. Idus Oct. 1091 in Gallia christ. xiii. app. p. 472. There is a severer censure of the *reg. Aquisgr.* in *Gerhohus de corrupto Ecclesiae statu lib. v. in Baluz. miscell. v. 180. E. g. p. 198* : *illa—aulica regula, de aula Regis egressa, multa in suo contextu habet sana Patrum documenta ;—sed illis praemissis adulterina quaedam sunt admixta, quibus priorum puritas ita est infecta et turbata per nescio quos aulicos dictatores, veris falsa, bonis mala permiscentes etc. p. 199* : *contra quam [regulam] nunc tantopere disputare illud cogit, quod etiam quidam canonici vitam communem secundum regulam b. Augustini professi—eamdem sic acceptant, ut in conventibus suis eam recitari faciant quasi authenticam et nullius erroris permixtione infectam etc.—Quae namque ratio est, ut majores et plures clericorum congregationes regulam profiteantur aulicam nulla sedis apostolicae auctoritate canonizatam etc.?* The canons who lived after the rule of St. Augustine now styled themselves *canonici regulares*, the others *can. seculares*. Compare on both *Jacobi a Vitriaco hist. occidentalis c. 21 and c. 30.*

² *Probst turnarii Ecclesiarum Germ. historia in Ad concordata nationis Germ. integra documentorum fasc. iv. (Francof. et Lips. 1777. 8) p. 245 ss. Planck IV. ii. 570.* As a relic of this a custom prevailed in several places, that the members of the chapter, on high feast days, or during Lent, should take their meals together. *Murter's Innocenz III. iii. 352.*

constituted as an ecclesiastical ordinance of more general application than before,³ could not be fully established in several countries, until the thirteenth century.⁴ But it introduced in its

³ For instance, 1, *ordines majores* became an *impedimentum matrimonii dirimens*. First Conc. Lateran. i. ann. 1123 can. 21: Presbyteris, diaconibus, subdiaconibus concubinas habere, seu matrimonia contrahere penitus interdicimus: contracta quoque matrimonia ab hujusmodi personis *disjungi*—judicamus. Conc. Lateran. ii. ann. 1139 can. 7: Hujusmodi namque copulationem, quam contra ecclesiasticam rationem constat esse contractam, *matrimonium non esse censuimus*. cf. Greg. Decretal. lib. iv. tit. 6. Qui clerici vel voventes matrimonium contrahere possunt. Thomassin. P. i. lib. ii. c. 65, § 4.—2. After that a vain attempt had been made in the eleventh century absolutely to forbid marriage in the case of the clerici minorum ordinum also (Thomassin. l. c. § 1 ss.) Alexander III. first decreed on this point Decr. Greg. lib. iii. tit. iii. De clericis conjugatis c. 1: Si qui clericorum infra subdiaconatum acceperint uxores, ipsos ad relinquenda beneficia ecclesiastica et retinendas uxores districtione ecclesiastica compellatis. Compare the whole Titulus. Thomas Aquin. below note 7. Thomassin. l. c. c. 66.

⁴ I. In Spain cf. Paschalis II. epist. ad Didacum Episc. Compostell. ann. 1103 (Mansi xx 1001): Si qui [presbyteri et diaconi] sane ante romane legis susceptionem (see § 62. not. 1) secundum communem patriae consuetudinem conjugia contraxerunt, natos ex eis filios neque a saeculari, neque a dignitate ecclesiastica repellimus.—2. In England the marriage of priests tolerated by Lanfranc (see above § 47 note 45) was strongly attacked by Anselm (Archbishop of Canterbury 1093—1109) especially in the Concill. Londin. ann. 1102 and 1108, but was not yet eradicated. In the year 1125 the Papal Cardinal Legate Johannes Cremensis (concerning him compare above § 62. note 16) held another Synod in London on the subject. But about him Henricus Huntingdoniensis (about 1150) histor. lib. vii.: Cum in concilio severissime de uxoribus sacerdotum tractasset, dicens summum scelus esse a latere meretricis ad corpus Christi conficiendum surgere: cum eadem die corpus Christi confecisset, cum meretrice post vesperam interceptus est. Res apertissima negari non potuit, celari non decuit. Summus honor ubique habitus in summum dedecus versus est. Repedavit igitur in sua Dei judicio confusus et inglorius. These decrees were indeed established by law to all appearance in the Synods of London in the years 1127 and 1129: but Chron. Saxon. vetus ad ann. 1129 (in Wilkins Conc. M. Brit. i. 411): nec ullam vim habuerunt omnia illa decreta: cuncti retinuerunt suas uxores Regis venia, sicut antea fecerant: For instance (Matth. Paris ann. 1129) the Bishops concesserunt Regi justitiam de focariis sacerdotum, quae res postea cum summo dedecore terminabatur: accepit enim Rex pecuniam infinitam de Presbyteris pro suis focariis redimendis. The displeasure is remarkable with which the English Historians, Henricus Huntingd. Matthew Paris, and Thomas of Walsingham (about 1440) speak of

the celibacy of priests under Gregor. VII. and Anselm. Also in Normandy the marriage of priests was openly maintained in the beginning of the 12th century (*Acta SS.* April. ii. 234.)—3. Celibacy was not established in the northern kingdoms till the thirteenth century. With reference to Sweden the words of Innocent. lib. xvi. ep. 118. ad Archiep. Lundensem are remarkable: *postulasti per sedem apostolicam edoceri, — utrum sacerdotes Suethiae in publicis debeas tolerare conjugiiis, qui super hoc se asserunt ejusdam summi Pontificis privilegio communis. — Non possumus dare responsum, nisi viderimus privilegium quod praetendunt.* Cf. lib. x. ep. 147. In Denmark, where even the peasants of Schoonen, in an insurrection 1180, among other demands required the restoration of marriage of priests (according to Hamsfort in Langebeck *scr. rerum Danic.* i. 280: *ne uti hactenus per libidinem filiabus et conjugibus abuterentur illorum.* Compare Saxo lib. xv. 366. Münter's *Kirchengesch.* v. Danemark u. Norwegen. II. i. 345.) Not till the year 1222, after many efforts of a Legate, a decisive law was issued by the Synod at Schleswig in favour of celibacy of priests (Pontoppidan's *Annales Eccles. Dan.* i. 637. Münter II. ii. 1033.) The same law likewise was first established in Norway and Iceland in the course of the thirteenth century (Münter II. ii. 1045): In Sweden by the Cardinal Legate, William Bishop of Sabina, in the Synod at Skenninge 1248 (Münter II. ii. 1051 the Constituciones Schenningenses, which are missing in the collections of Councils, are to be found in Münters *Magazin f. Kirchengesch. u. Kirchenrecht d. Nordens* i. 192, printed according to the original in J. G. Liljengren *diplomatarium Suecanum*, Holm. 1829. 4. i. 330.)—4. In Hungary, Syn. Szabolchensis (at Szaboles) ann. 1092. c. 3: *Presbyteris autem, qui prima et legitima duxere conjugia, indulgentia ad tempus datur propter vinculum pacis et unitatem Spiritus Sancti, quousque nobis in hoc domini Apostolici paternitas consilietur.* Syn. Strigoniensis (at Gran) ann. 1114 can. 31: *Presbyteris uxores, quas legitimis ordinibus acceperint, moderatius habendas, praevisa fragilitate, indulsumus* (see this canon which is left out in Mansi xxi. 105, in Peterffy *Conc. Hungar.* i. 57.) It was first by means of the *Decreta Hungarorum*, quae de Guidone Cardinale susceperunt ann. 1267 (Mansi xxiii. 1183) that the Romish principles got the upper hand (Engel's *Gesch.* v. Ungarn i. 388.)—5. In Silesia, where Francis, Bishop of Breslau ($\dagger$ 1194), wrote a letter of complaint, not now extant *de clericorum et laicorum matrimoniis* (s. Hanke *de Silesiis indigenis erudit* p. 14. S. J. Ehrhard on the corrupt state of religion before the Reformation. Breslau 1778. 4.), in Bohemia where even the Archbishop of Prague was accused by Innocent III. *quod uxorem evidenter haberet, de qua filios generavit* (Innoc. lib. v. epist. 28. J. Dobrowsky *narratio hist. de sacerdotum in Bohemia coelibatu*, Prag. 1787. Abridged in Illgen's *Zeitschr. f. d. hist. Theol.* 1844. iv. 113), and in Poland the marriage of priests was first discontinued in the middle of the thirteenth century (see Worbs in Staüdlin's u. Tzschirner's *Archiv. f. Kirchengeschichte* III. iii. 719. Raumer *Gesch. d. Hohenst.* vi. 236.)—6. In Germany marriage of priests seems to have been retained longest at Liege, which is easily explained from its earlier history (see § 49,

train a greater increase of the most shameful licentiousness,⁵ from the readiness of the Bishops to overlook it.⁶ Besides that unchastity, which already made many thoughtful minds mistrustful of celibacy,⁷ utter worldliness and love of pleasure,⁸

note 9 and 12. Comp. *Antigraphum Petri*, written by a priest of Liege between the years 1153 and 1173 (MS. in Paris, see *Hist. lit. de la France* xiv. 406): *Ipsos (Presbyteros) qui se legitimas p-sse habere asserunt uxores*, interroga, quare eis in extremis renunciarent, quare quidam totiens mutent? Si enim legitimum est matrimonium, mutare non licet, vel renunciare eis non est necesse: si illicitum, fornicatio est. Still about the year 1220 the cathedral clergy married not far from Liege cum solemnitate, quae solet in matrimoniis observari (*Raumer* vi. 236, from the *Regest. Honorii* iii.), and in Zurich about the year 1230 married clergy were to be found (*J. J. Hottinger's Helvetische Kirchengeschichte* ii. 30.) *J. Anton Theiner und Augustin Theiner, die Einführung der erzwungenen Ehelosigkeit bei den christl. Geistlichen und ihre Folgen, Altenburg 1828, II. i. 269.*

⁵ Comp. *Schröckh* xxvii. 184. Especially the long list of decrees of Councils against the concubinae, focariae and pedissequae of the clergy s. 206. *Raumer* vi. 235. On the unnatural excesses of the clergy see *Hüllmann's Städtewesen des Mittelalters* iv. 261.

⁶ *Rupertus Tuitiensis* comm. in *Apocalypsin* c. 2. lib. ii. (*Opp. ed. Mogunt.* II. 490): turba plebeja rectores Ecclesiae clamoribus suis coarguit atque objurgat eo quod talis pestilentia, tanta in sacros ordines macula ex ipsorum acciderit avaritia. Heavy fines were imposed on priests who had wives or concubines. For which reason many Bishops tolerated such cases willingly, as the Conc. Lateran. iv. ann. 1215 can. 14. and the Constitutt. Edmundi Archiep. Cantuar. ann. 1236 accuse them of doing, maxime obtentu pecuniae vel alterius commodi temporalis. However the number of the guilty necessitated forbearance. Thus a verdict was given against the immoral clergy (*Dist. lxxx. c. 6*), ut a sacerdotali removeantur officio, but the gloss to this says, communiter autem dicitur, quod pro simplici fornicatione quis deponi non debet, cum pauci sine illo vitio inveniantur.

⁷ So early as the year 1120 there was written *Rotomagensis Anonymi tract. an liceat Sacerdotibus inire matrimonia* in *Brown appendix ad fascic. rerum expet. et fugiend.* p. 166 (comp. *Theiner* II. i. 323), where it was first shown that, traditio hominis est, et non Dei, non Apostolorum institutio: Then, hoc mandatum naturale ordinem conservari vetat, perturbari jubet, et ideo contra aeternam legem fit, et peccatum est: peccant enim, qui mandatum tale instituunt, quo naturalis ordo destruitur; to conclude, fit contra voluntatem et praedestinationem illius, qui quae futura sint fecit. From the same time perhaps may the so-called *epist. secunda Volusiani Episc. Carthaginensis* in *John Fox acts and monuments of Martyrs*, Lond. 1684. ii. 393 (*epist. i. is the epist. Udalrici ad Nicolaum*, see Part I, § 34, note 9) derive its origin; it is a defence of the married clergy, and written in their name E.g. *Inhibito naturalis unius mulieris conjugio surrepit non*

avarice and simony⁹ were the principal faults, for which the clergy at this time were commonly rebuked with solemn earnestness¹⁰

naturalis, sed contra naturam execrabilis sodomitica fornicatio, surrepit illicita et damnabilis, non legitima sed contra legem alienae uxoris contaminatio, necnon etiam et meretricabilis nefanda pollutio, quin etiam abominabilis omnibus parentalis incestatio vel aliarum immunditiarum vel libidinum a Diabolo inventarum id genus, in quibus humana infirmitas periclitatur.—Quodsi mali sumus, nobis ipsis sumus, et plus nobis quam aliis nocemus: et quos fortasse malos conspiciatis, quid boni interius habeant ignoratis. Sunt enim plerique, quos de incontinentia judicatis, qui continentiores sunt, quam illi, quos de continentia glorificatis. Of Petrus Comestor, Chancellor of the University of Paris, about the year 1170, his pupil Gyraldus Cambrensis records (ex Ms. in Cave scriptt. eccl. hist. lit. ii. 239): Hoc autem Magistrum Petrum Manducatorem in audientia totius scholae suae, quae tot et tantis viris literatissimis referta fuit, dicentem audiui, quod nunquam hostis ille antiquus in aliquo articulo adeo Ecclesiam Dei circumvenit, sicut in voti illius (sc. continentiae sacerdotum) emissionem.—Thomas Aquinas (in Summa, quae incipit Commiserationes Domini etc. cap. 165, in Flacii catal. test. verit. no. 262): Dicit Canon, quod, si clerici in minoribus ordinibus constituti se continere non possunt, et matrimonium contrahere voluerint, debet eis assignari sustentatio sua de beneficiis suis extra Ecclesiam, ita quod de caetero non ministrent in Ecclesia in ordine suo, sed censuram habeant, et libertate gaudeant clericorum. Contra hanc canonicam institutionem hodie obtinet consuetudo, quod statim ex quo acolytus contrahit matrimonium, omni ecclesiastico beneficio privatur (see above note 3), cum canon, ut dictum est, praecipiat, de beneficio sustentari. Si autem acolytus in secreta confessione ad discretum Sacerdotem veniat, et se nullo modo continere posse dicat, non multum peccat Sacerdos, dando ei consilium, ut cum aliqua occulte matrimonium contrahat, et occulte sui Episcopi oculos fallat. Minus enim credimus esse peccatum, beneficium cum occulto conjugio retinere, quam fornicarium contra divinam prohibitionem habere. Si vero postea ad sacros ordines a suis Praelatis cogatur accedere, credimus minus esse peccatum uxore uti, quam cum alia fornicari, si ex toto noluerit continere. Gulielmus Durantis tract. de modo gener. conc. celebr. (see above § 62. note 28.) P. ii. rubr. 46: Cum paene in omnibus conciliis et a plerisque Romanis Pontificibus super cohibenda et punienda clericorum incontinentia, et eorum honestate servanda multa haecenus emanaverint constituta, et nullatenus ipsorum reformari quiverit correctio morum:—videretur pensandum, an expediret et posset provideri, quod in ecclesia occidentali, quantum ad votum continentiae, servaretur consuetudo Ecclesiae orientalis, quantum ad promovendos, potissime cum tempore Apostolorum consuetudo Ecclesiae orientalis servaretur.

⁸ Schröckh xxvii. 159. Raumer vi. 233. Hurter's Innocenz III. iii. 423. On their frequent engagements in battle and slaughter, Schröckh xxvii. 165.

⁹ Schröckh xxvii. 175. Raumer vi. 193.

¹⁰ Especially by Bernardus Clarav. for example epist. 152. ad Innoc.

P. ii. ann. 1135: Insolentia clericorum, cujus mater est negligentia Episcoporum, ubique terrarum turbat et infestat Ecclesiam.—Alienis nimirum laboribus locupletantur clerici, comedunt fructum terrae absque pecunia: et prodit quasi ex adipe iniquitas eorum. In Psalm Qui habitat, sermo 6. no. 7 (ed. Mabill. ii. 61): Ipsa quoque ecclesiasticae dignitatis officia in turpem quaestum et tenebrarum negotium transiere: nec in his salus animarum, sed luxus quaeritur divitiarum. Propter hoc tondentur, propter hoc frequentant ecclesias, Missas celebrant, Psalmos decantant. Pro episcopatibus et archidiaconatibus impudenter hodie decertatur, ut Ecclesiarum redditus in superfluitatis et vanitatis usus dissipentur. Superest jam, ut reveletur homo peccati, filius perditionis etc. In convers. Pauli, sermo 1 (ii. 126): Conjurasse videtur contra te [Deum] universitas populi christiani a minimo usque ad maximum: a planta pedis usque ad verticem non est sanitas ulla: egressa est iniquitas a senibus iudicibus, vicariis tuis, qui videntur regere populum tuum. Non est jam dicere: *ut populus, sic sacerdos*; quia nec sic populus, ut sacerdos. Heu, heu, domine Deus, quia ipsi sunt in persecutione tua primi, qui videntur in Ecclesia tua primatum diligere, gerere principatum! In Cantica, sermo 33. no. 15 (iii. 61): Ministri Christi sunt, et serviunt Antichristo. Honorati incedunt de bonis Domini, qui Domino honorem non deferunt. Inde is, quem quotidie vides, meretricius nitor, histrionicus habitus, regius apparatus: inde aurum in frenis, in sellis et calcaribus, et plus calcaria quam altaria fulgent. Inde splendidae mensae et cibus et scyphis, inde comessationes et ebrietates, inde cithara et lyra et tibia, inde redundantia torcularia, et promptuaria plena cructantia ex hoc in illud. Inde dolia pigmentaria, inde referta marsupia. Pro hujusmodi volunt esse et sunt Ecclesiarum praepositi, Decani, Archidiaconi, Episcopi, Archiepiscopi. Ibid. sermo 77 (p. 131): Quem dabis mihi de numero praepositorum, qui non plus invigilet subditorum vacuandis marsupiiis, quam vitiis extirpandis? *Sermo de conversione ad clericos*, especially c. 20 (iv. 112): Curritur passim ad sacros Ordines, et reverenda ipsis quoque spiritibus angelicis ministeria homines apprehendunt sine reverentia, sine consideratione. Neque enim signum regni occupare caelestis, aut illius timent imperii gestare coronam, in quibus avaritia regnat, ambitio imperat, dominatur superbia, sed et iniquitas, luxuria etiam principatur: in quibus et pessima forte appareat intra parietes abominatio, si juxta Ezechielis prophetiam (Ezech. viii. 8) parietem fodiamus, ut in domo Dei videamus horrendum. Siquidem post fornicationes, post adulteria, post incestus, nec ipsae quidem apud aliquos ignominiae passiones et turpitudinis opera desunt etc.—Compare Bernard's contemporaries, Gerhohus de corrupto Ecclesiae statu (in Baluzii miscellan. v. 1), Potho mon. Prumiensis de statu domus Dei libb. v. (in Bibl. PP. max. xxi. 489), Anonymi sermo ad Clerum in Conc. Rhemensi (ann. 1148) congregatum (in Bernardi opp. v. 225), in which the severest passages of S. Bernard are quoted word for word: and St Hildegard, Abbess of Bingen (see Meiners de s. Hildegardis vita, scriptis et meritis in the Commentatt. Soc. Gotting. t. xii. class. hist. p. 79.) The Pfaffenleben, a fragment from the 12th century in Haupt's and Hoffmann's altdutschen Blättern, 1 (Leipzig 1836), 217. Besides there

and upbraided with biting satire.¹¹ Now that the Pseudo-isidorian

is the *Antigraphum Petri*, written by a priest of Liege between the years 1153 and 1173 (see above note 4, near the end), a forcible reply to a priest, Lambertus by name, who required Peter to cease from his *impugnatio sacerdotum*, because the common people were led away by it to disobey their priests: *sed insuper maledictionem Cham filii Noë, qui patris sui verenda nudavit, incurrunt, dum spirituales patres suos in aliquibus actibus, licet illicitis, vestro exemplo et doctrina dijudicando iram Domini manifeste super se provocant.* On the corruption of the Norwegian clergy see the *Anecdoton historiam Sverreri Regis Norvegiæ illustrans*, ed. E. Chr. Werlauff. Havn. 1815. 8. p. 11, written about the year 1197.—In the 13th century Jac. a Vitriaco *hist. occident. cap. 5. de negligentia et peccatis Praelatorum*:—*dum nihil gratis accipiebant, nihil gratis conferebant;—non pastores, sed dissipatores, non Praelati, sed Pilati; nocte in lupanari, mane in altari; filium Veneris nocte tangentes, filium virginis Mariæ mane contrectantes etc.* Especially Alexandri P. iv. ep. ad Archiep. Saltzburgensem et Suffraganeos (in *Mansi* xxiii. 827) in the year 1258. After an exhortation to a zealous and careful exercise of the pastoral office, the Pope there complains: *Sed ecce letalis incuriæ sopor pastoralis vitæ vigilantiam, quod gementes dicimus, oppressisse videtur in plurimis, prout testatur nimia de plerisque regionibus clamans christiani populi corruptela: quæ cum deberet ex sacerdotalis antidoti curari medelis, invalescit, proh dolor, ex malorum contagione, quod procedit a clero, ita ut alicubi verum sit, quod et prophetica querela testatur, Factus est, inquit, sicut populus sic sacerdos (Jes. 24, 2.) Malitia namque dierum labentium, quæ cum tempore corrumpit et mores, dante quam plurimis ex impunitate audacem semper et in deteriora proclivem infraenis licentiæ libertatem, nonnulli clerici præcipiti lubricæ voluptatis arbitrio laxas committentes habenas, post carnis suæ concupiscentiam abierunt, et relegata paene penitus a conversatione vitæ suæ clericalis munditiæ et honestate, tenent etiam in conspectu populi concubinas, cum quibus impudicæ frontis irreverentiam induentes, foedas manus et foetidas—non erubescunt—sacris ministeriis immiscere.—Per tales maxime nomen Domini blasphematur in terris;—per tales ergo perdit religionem catholicam devotio reverentiæ christianæ: per tales decipitur populus in Divinis, et ecclesiastica substantia dissipatur: hinc detrahitur verbo Dei, dum immundis labiis talium nunciatur, hinc hæretici mussitant et insultant, hinc tyranni sæviunt, hinc perfidi persequuntur, hinc grassantur audacius in Christi patrimonio sacrilegi exactores: a quibus, proh pudor, ob hujusmodi carnes putridas, quas disciplinalis numero non resecat, sicut decet, sincerum catholice matris corpus in ostentum ducitur et contemptum.* Compare D. H. Leyser's *deutsche Predigten des xiii. u. xiv. Jahrh.* (Quedlinb. u. Leipz. 1838. Vorwort s. xxviii.

¹¹ To this class belong the Poems of Gualtherus Mapes (see above § 62, note 20.) The *Thierfabel* (first in Latin. Isegrimm, in the earlier half of the 12th cent., Reynard in the middle of the 12th cent., afterwards translated into the language of the country), see Reinhart

principles, by reason of the abolishment of Provincial Synods, the ease of appeal to Rome, and the aggravation of the complaints against Bishops, were evidently in part the cause of the increasing corruption; Innocent III. endeavoured to introduce reforms, and, by the institution of an inquisitorial mode of procedure against clerks notorious for ill-living,¹² to put a stop

Fuchs v. Jac. Grimm Berlin 1834. Einleit. Gervinus Gesch. d. deutschen poet. Nationalliteratur i. 122. Le Roman du Renart (by Peter of St Cloud 1233) publié par M. Méon, Paris 1826, 4 voll. 8. Niederdeutsche Gedichte des Jacob v. Maerlant, Schreiber in Damme in Flandern 1235—1300, see U. P. Okken diss. de priva religionis christianae, medio aëro inter Nederlandos progressae, natura, Groning. 1846. p. 68.—La Bible de Guiot (see § 62. note 18) and other satirical pictures of the manners of the 13th century in the Fables and contes publiés par M. Méon. 4 Tomes. Paris 1808. Compare Vincent v. Beauvais Hand- und Lehrbuch v. F. Chr. Schlosser ii. 150.

¹² Conc. Lateran. iv. ann. 1215 c. 6 (Decr. Greg. lib. v. tit. i. c. 25): Sicut olim a sanctis Patribus noscitur institutum, metropolitani singulis annis cum suis suffraganeis *provincialia* non omittant *concilia* celebrare. (Compare on the other hand Conc. viii. ann. 869 c. 17. Part 1. § 41. note 15.) In quibus de corrigendis excessibus et moribus reformatandis, praesertim in clero, diligentem habeant cum Dei timore tractatum, canonicas regulas, et maxime quae statutae sunt in hoc generali concilio, relegentes, ut eas faciant observari, debitam poenam transgressoribus infligendo. Ut autem id valeat efficacius adimpleri, per singulas dioeceses statuunt idoneas personas, providas videlicet et honestas, quae per totum annum simpliciter et de plano, absque ulla jurisdictione, sollicite investigent, quae correctione vel reformatione sint digna, et ea fideliter perferant ad metropolitanum, et suffraganeos, et alios in concilio subsequenti. (Compare the verdict of the Synodal tribunal Part 1. § 35. note 1.) Cap. 7 (Decr. Greg. I. xxxi. 13): Irrefragabili constitutione sancimus, ut Ecclesiarum Praelati ad corrigendos subditorum excessus, maxime clericorum, et reformatandos mores, prudenter et diligenter intendant, ne sanguis eorum de suis manibus requiratur. Ut autem correctionis et reformationis officium libere valeant exercere: decernimus, ut executionem ipsorum nulla consuetudo vel *appellatio* valeat impedire, nisi formam excesserint in talibus observandam. Compare on the other side, § 62, note 9.) Cap. 8 (Decr. Greg. V. i. 24): Non solum cum subditis, verum etiam cum Praelatus excedit, si per clamorem et famam ad aures superioris pervenerit, non quidem a malevolis et malelicis, sed a providis et honestis nec semel tantum, sed saepe,—debet (Praelatus) coram Ecclesiae senioribus veritatem diligentius perscrutari; ut si rei poposcerit qualitas, canonica districtio culpam feriat delinquentis.—Licet autem hoc sit observandum in subditis, diligentius tamen est observandum in Praelatis, qui quasi signum sunt positi ad sagittam. Et quia non possunt omnibus complacere, cum ex officio suo teneantur non solum arguere sed etiam increpare,—frequenter odium multorum incurrunt, et insidias patiuntur. Et ideo

to the evil : but such external measures could no longer avail. Now that the clerical order had entirely forfeited the respect of the Laity,¹³ their arrogance was endured with so much the greater discontent : and in spite of the undefined fear of the mystical character received by them, at their ordination, a frantic hatred of the clergy was not unfrequently displayed.¹⁴

ss. Patres provide statuerunt, ut accusatio Praelatorum non facile admittatur.—Verum ita voluerunt providere Praelatis, ne criminarentur injuste.—Sed cum super excessibus suis quisquam fuerit infamatus, ut jam clamor ascendat, qui diutius sine scandalo dissimulari non possit, vel sine periculo tolerari ; absque dubitationis scrupulo ad inquirendum et puniendum ejus excessus—procedatur, quatenus, si fuerit gravis excessus, etsi non degradetur ab ordine, ab administratione tamen amoveatur omnino. Comp. F. A. Biener's Beiträge zu d. Gesch. des Inquisitions-Processes. Leipzig 1827 s. 38 ff.

¹³ So the Lady, whose favour he sought, answered the Troubadour Gui d'Uisel, who was also a canon (about 1200) : Vous êtes un noble homme ; quoique vous soyez clerc, vous êtes aimé et estimé (Millot hist. littér. des troubadours. iii. 4.)

¹⁴ As also Boniface VIII. confest : Clericis laicos infestos oppido tradit antiquitas, see above § 59, note 6. We may compare especially the words of the Troubadour, Peire Cardinal (about 1220) according to the translation in F. Diez Leben und Werke der Troubadours, Zwickau 1829, s. 447. The clergy call themselves pastors and are butchers. Kings and Emperors once used to rule the world : now priests exercise lordship with theft and treason—with hypocrisy, force, and persuasion. They are not satisfied unless everything is surrendered to their hands, and though there be delay in the end it is brought about. The higher their rank, so much the less virtue they possess and the more folly, the less truthfulness and the more falsehood, the less learning and the more faults, and withal so much the less courtesy.—The Priests are so full of ambition, that they cannot bear to see any one in the whole world hold sway except themselves. They work with all their might to draw over the whole world to themselves. If any one is discontented under the yoke, they win such persons with obsequiousness and gifts—with pardons and hypocrisy—with indulgence—with eating and drinking—with preaching and cursing—with God and the devil. Vultures and birds of prey scent not the mouldering carrion so swiftly as they scent a rich man. Immediately he is their friend ; sickness lays him low, he must heap gifts on them to the prejudice of his relations. Frenchmen and Priests have the praise of superior wickedness—for goodness is their aversion, and so forth. Bertrand Carbonel also (about the year 1250) in Diez s. 587, writes thus, Ha, ye false priests, liars, traitors, perjurers, whoremongers, infidels, so much open wickedness ye work day by day, that ye have thrown the whole world into consternation. St Peter never drew revenues from France, nor extorted usury, no, he held upright the balance of justice. Ye do nought of the kind.

§ 66.

PROPERTY OF THE CLERGY.

Not to any regard for their persons,¹ but to the superstition and circumstances of the age, were the clergy indebted for the remarkable increase of their property; it was brought about partly by vindication of tithe law,² partly by wills,³ partly by

For money ye unjustly pronounce and recall sentence of excommunication; without money there is no redemption for us. Guillem Figueira also (about 1244) in Diez s. 567: Truly our shepherds are become ravening wolves, they rob wherever they can, and wear therewith the mien of peace. One of them will lie with a woman, and nevertheless on the next morning touch with unhallowed hands the body of our Lord. If you lift your voice against them they bring accusations against you, you are excommunicated, and if you do not pay, you have neither peace nor friendship more to hope from them. Holy Virgin Mary, our Lady, grant me but to live to the day when I shall neither have to shun nor fear them more.

¹ On the scarcity of gifts, and the inclination to cut down ecclesiastical incomes in the thirteenth century, see Lacomblet's *Urkundenbuch für die Gesch. des Niederrheins*. Bd. ii. Vorr. s. ix.

² Compare Part i. § 9 note 1. Tithe was in the first place introduced as a Divine ordinance, where as yet it had found no entrance, and in spite of all opposition from the laity, gradually past into law. Thus in Portugal it was recognized at the end of the eleventh century, and in the twelfth prevailed universally, Schäfer's *Gesch. v. Port.* i. 167. In Castile and Leon Alphonso X., in his *Partidas*, gave it force of law, see § 62, note 22, and the *Mémoires* p. 854 there quoted. In Denmark St Knud, Canute the Saint introduced it in 1086; but it was always paid irregularly, and in the year 1171 the peasantry of Schoonen, rose in rebellion on this account Münter's *K.G. v. Dinem. u. Norw.* II. i. 15. 343. In Norway it was demanded immediately after the conversion of the country, however, it had to be enforced by King Magnus in the year 1267, Münter II. i. 37. Further, in the second place, it was established as a ruling maxim, that all tithes were of ecclesiastical origin; and that, where they had past into the possession of laymen, they were withheld from the Church only by robbery or feudal grant (to bailiffs and administrators, *decimæ inf feudatæ*) but that no layman could possess tithes without peril to his soul. Especially so after Conc. Lateran. iii. ann. 1179 c. 14, Mansi xxii. 226): *Prohibemus etiam ne laici decimas cum animarum suarum periculo detinentes, in alios laicos possint aliquo modo transferre. Si quis vero receperit, et Ecclesiae non tradiderit,*

advantageous purchases and mortgages, obtained mostly from

christiana sepultura privetur. Frederick I., indeed, in the diet at Gelnhausen 1180 declared that the lay impropriation of the *decimae infeudatae* was legal (Arnold. Lubec. lib. iii. c. 18. see above, § 53. note 6), and it was commonly understood that only the transfer of tithes from layman to layman was forbidden in that canon. However, conscientious scruples were awakened by it in the minds of many lay impropiators. Thus in many places tithes were restored to the Church, especially to religious Houses, or sold and exchanged at a low valuation. See Warnkönig's *Flandrische Staats und Rechtsgeschichte* (Tübingen 1835) i. 443.

³ A considerable influence over these was consigned to the clergy, by the decree of Alexander III., 1170 (Decr. Greg. lib. iii. tit. 26. c. 10): *testamenta, quae Parochiani coram presbytero suo et tribus vel duabus aliis personis idoneis in extrema fecerint voluntate, firma decernimus permanere*: which was yet more enhanced by the determination that the parish priest must be a witness (Constit. Ricardi Ep. Sarum ann. 1217. c. 70, in Mansi xxii. 1127: *Praecipimus quod laicis inhiibeatur frequenter, ne testamenta sua faciant sine praesentia sacerdotis.*—*Inter alia etiam singuli sacerdotes infirmos suos moneant, et efficaciter inducant, quod fabricae Sarum Ecclesiae sua memores, prout Deus inspiraverit illis, in testamento suo, de bonis suis relinquunt.* Conc. Avenion. 1281 can. 10: *Ne aliquis auderet sine suo parochiali Presbytero condere testamentum.* Thomassin. P. iii. lib. i. c. 24, § 5, 6, 8.) People were reminded at their last confession to make their wills; to die intestate or unconfest, was held to be the same (see du Fresne glossarium s. v. *intestatio*), refusal of burial in consecrated ground was the consequence of either (Brewer's *Gesch. d. französischen Gerichtsverfassung*, Düsseldorf 1837, ii. 704.) All suits about wills, even the execution of the wills, belonged to ecclesiastical jurisdiction. They even demanded in England and Normandy (*Ecclesiasticae libertatis in Normannia leges* ann. 1090, Mansi xxii. 592): *Si quis subitanea morte—praeoccupatus fuerit, ut de rebus suis disponere non possit, distributio bonorum ejus ecclesiastica auctoritate fiat*, and with regard to this the Papal Legate Othobonus in Conc. Londin. ann. 1268 c. 24 (Mansi xxii. 1238); more closely determined that such possessions should not be held back by the Prelates, but be distributed for pious purposes. In such a case in France a will made by the relative instead of the deceased, is admitted, see Brewer ii. 705.—In Germany, on the other hand, wills made on a deathbed met with a long resistance from the maxim of law, that he alone could make a valid will, who could yet walk free and unsupported along the highway. (J. Grimm's *deutsche Rechtsalterthümer*, Göttingen 1828 s. 96.) In vain did the German Bishops vie in opposition to this custom, *quae dicenda potius est corruptela, cum sit contraria rationi, et contra jura canonica et civilia, videlicet, quod judices et scabini et consiliarii quorundam oppidorum—judicant, quod nullum testamentum, donatio vel legatum teneat super immobilibus, quod vel quae a decumbentibus in lecto in pios usus*

nobles who took the Cross,⁴ partly by compact with the oppressed free commonalty, who received their own property in copyhold from them.⁵ From time to time, however, this immoderate increase of ecclesiastical wealth began already to attract attention, and receive some restrictions from secular law.⁶

The Prelates had now to suffer more than ever from their administrators.⁷ They sought help against their encroachments

vel alias personas fuerit factum vel facta (so the Conc. Colon. ann. 1300): The German magistrates for a long time paid them no regard: comp. Bodmann's *Rheingauische Alterthümer*, Mainz 1819. 4. S. 648. The clergy on the other hand endeavoured partly by a form of execration which they appended to the will, partly by ecclesiastical penalties against the uncomplying heirs of the intestate, to create respect for it: see J. A. Kopp *de testamentis Germanorum ungehabet und ungestabt* Francof. ad M. 1736. 4.

⁴ See § 51, note 14. Planck IV. ii. 345. Raumer vi. 312. So says Eberhard, Archbishop of Salzburg, in a document of the year 1159, (*Monumenta boica* iii. 540): *Tempore, quo expeditio Jerosolymitana fervore quodam miro et inaudito a saeculis totum commovit fere occidentem, coeperunt singuli, tanquam ultra non redituri, vendere possessiones suas, quas Ecclesiae secundum facultates suas suis prospicientes utilitatibus emerunt.*

⁵ Montag's *Gesch. d. deutschen Staatsbürgl. Freiheit* ii. 655.

⁶ In several cities it was forbidden by law that landed property should be left in mortmain. This was the case in Montpellier (1113. *Hist. gén. de Languedoc* ii. *Preuves* p. 388), Erfurt (Guden *Hist. Erfurt.* p. 61), Lubeck (*Jus Lubec. in de Westphalen monum. inedita* iii. 625, 669, 687.) In Lubeck also oblations were restricted by law with the same view, the increase of masses for the dead forbidden, with other measures of the same kind, see *Theol. Studien u. Krit.* I. i. 116. Alphonso II., King of Portugal, in the year 1211, forbid churches and monasteries to acquire any other landed property, except what was in use for anniversaries and other duties for the dead; but this law remained without effect, see Schäfer's *Gesch. v. Portugal* i. 146, 330.

⁷ So says a Bishop of Munster in 1185 in Falke *codex traditt. Corbejensium* p. 229: *universitas Ecclesiarum advocatorum insolentia laborat et fere succumbit.* The oppression was often made more severe by this circumstance that the bailiwicks became hereditary fiefs, and were often broken up into small offices, and granted in mesne tenure. See Hüllmann's *Gesch. des Ursprungs der Stände in Deutschland* 2te Ausg. (Berlin 1830) S. 257 ff. Montag ii. 450, 508. Raumer vi. 383. Hurter iv. 61. Honorius III. says in the year 1221 (in Lacomblet's *Urkundenbuch* ii. 51): *nonnulli—in bonis ecclesiasticis, in quibus advocacionis jus obtinent, non solum prodigaliter debacchantur, verum etiam ea diripiunt ut praedones.* Compare the letter of remonstrance sent by Tulcard, Abbot of Lobbes, to the Emperor Henry IV. in d'Achery *spicileg.* ii. 747. There are other examples in Zirngibl's

partly from the Lords of the soil;⁸ but partly following the example of the Cistercian order, which from its first foundation had allowed no administrators of finance,⁹ they endeavoured to shake them off by all possible means.¹⁰

Abh. über das Mundiburdium, in d. Neuen hist. Abhandl. d. baier. Akad. d. Wissensch. Bd, 5 (München 1798. 4) S. 286, 318. Riedel's diplom. Beiträge zur Gesch. d. Mark Brandenburg Th. 1 (Berlin 1833) Urk. xvi. xxxi. xxxii. The most remarkable instance of this kind is furnished by the Vicedominus Ludovicus against Godfrey, Archbishop of Treves (from 1124—1128), as the contemporary Baldricus relates in his *vita Alberonis* (in Honthemii hist. Trevir. i. 468): D. Godefridum Archiepiscopum suis artibus in tantum sibi subegerat, quod dicebat, se in beneficio tenere palatium atque omnes redditus episcopales in illud deferendos, et quod ipse pascere deberet Episcopum cum suis Capellanis, et cætera omnia ad Episcopatum pertinentia de suo esse beneficio. Ad Episcopum autem dicebat pertinere Missas, et ordinationes clericorum, et consecrationes Ecclesiarum celebrare: sui vero juris dicebat esse terram regere, omniaque in Episcopatu disponere, et militiam tenere. Unde per singulos dies ad prandium Episcopi sextarium vini et duos sextarios cerevisiæ administrabat, ipse vero cum multitudine hominum in mensa sua quasi magnus Princeps quotidie epulabatur splendide, stipatus caterva militum ubique incedebat, et omnibus modis toti terræ principabatur.

⁸ The efforts of the Popes with this view may be found in Hurter iv. 75, comp. above § 53 note 6, § 54 note 16. The oft-repeated orders of the Emperors on the condition of the administrators (for instance in Ratisbon 1104 in Pertz iv. 62, in Gelnhausen 1180, p. 164) are to be found in Hüllmann s. 251. Montag ii. 488. Raumer vi. 384.

⁹ Montag ii. 514 ff.

¹⁰ Zirngibl. S. 320 ss. Hüllmann S. 268 ss. Eichorn's deutsche Staats- u. Rechtsgeschichte ii. 528. Raumer vi. 125. Hurter iv. 67, 80.

THIRD CHAPTER.

HISTORY OF MONACHISM.

Allgem. Literatur s. Bd. 1. Abth. 2. vor. § 95 u. § 119. Ueber den Zustand sammtlicher Orden in dieser Zeit Jac. a Vitriaco (Bisch. v. Acco, dann Cardinal † 1244: von ihm Hist. orientalis et occidentalis ed. Fr. Moschus. Duaci 1597, 8) hist. occidentalis c. 12—c. 33.

§ 67.

MONASTIC ORDERS DOWN TO THE TIME OF INNOCENT III.

Martene et Durandi vett. scriptt. collectio amplissima. T. vi. praef. p. 2. Hurter's Innocenz III. iv. 85.

The cycle of advance from the institution of fresh orders to fresh decay, and the reverse, a cycle in which monastic history incessantly travels, has never repeated itself more often than in this period. Especially in France there rose many founders of orders, who desired no less than the Popes to restore a stricter discipline in the Church, and endeavoured with this in view to bring back monastic rules to their first severity. Stephen of Tigerno founded (1073—1083) the order of Grammont (*ordo Grandimontensis*);¹ Bruno of Cologne (1084) the Carthusian order (*La Grande Chartreuse* in Grenoble, *ordo Cartusianus*);²

¹ Vita s. Stephani by Gerhard, seventh prior of Grammont, in Martene et Durand ampliss. collectio vi. 1030.—Mabillon annal. Ord. s. Ben. v. 65, 99. Ejusd. act. SS. Ord. Ben. saec. VI. ii. praef. p. xxxiv. Hurter iv. 137.

² Mabillon annales v. 202. Ejus acta SS. Ord. Ben. saec. VI. ii. praef. p. xxxvii. Acta SS. Oct. iii. 491, ad d. 6, Oct. The true origin of the order is recorded by Bruno's later contemporary Guibert, Abb. b. Mariae de Novigento, de vita sua lib. i. c. 11 (Opp. ed. d'Achery p. 467): The tale of the miraculous inducement which led S. Bruno to renounce the world, is first found at the end of the 13th

Robert of Arbrissel (1094) the order of Fontevraud (*ordo Fontis Ebraldi*);³ the Abbot Robert (1098) the monastery and order of Citeaux (*Cistercium. ordo Cisterciensis*).⁴ In the course of the 12th century the Premonstrant order was added, it was founded by Norbert, a canon of Zante, at Premontré (*Premonstratum*) in 1120,⁵ and the Carmelite order, which received its origin about 1156 on Mount Carmel, from one Berthold a Calabrian.⁶ Gaston, induced by the prevalence of a

cent., and is gathered from the *Breviar. Romanum* under Urban VIII. Jo. Launoji *de vera causa secessus s. Brunonis in eremum*. Paris 1646. (Opp. II. ii. 324.) *Pragm. Gesch. d. vornehmsten Mönchsorden* (10 Bde, Leipz. 1774—83) iv. 1. Hurter iv. 149.

³ Mabillon ann. v. 314. *Acta SS. Febr. iii. 593, ad d. 25. Febr.* Roberts *Leben von s. Zeitgenossen Baldricus Abb. Burguliensis in Act SS. l. c.* The long forgotten superstition of the *Syneisactæ* was renewed by Robert (see vol. i. part 1, § 73, not. 17), as we are given to understand in the notices in Godefridi Abb. *Vindocinensis lib. iv. ep. 47, ad Robertum* (in *Sirmondi opp. iii. 549. Bibl. PP. Lugd. xxi. 49*, that this letter is not a forgery as the Bollandists would make us believe. see Mabillon l. c. p. 424), and in the letter of Marbod, Bishop of Rennes, to Robert (Mabillon l. c. p. 425) The order remained in truth confined to France. *Pragm. Gesch. i. 279. Hurter iv. 229.*

⁴ *Relatio qualiter inceptit Ordo Cisterciensis*, by an unknown author, first publisht in Auberti Miraei *chron. Cisterciensis Ordinis*. Colon. Agripp. 1614. 8. p. 8, and here less injured than the copy in Luc. Holstenii cod. regal. ed. Brockie 11. 386. ss. taken from Rog. Dods-worthii et Guil. Dugdale *monasticon Anglicanum* vol. 1. Mabillon. ann. v. 219. 393. Angeli Manrique *annales Cistercienses*. Lugd. 1642. voll. iv. in fol. Chrysost. Henriquez *regula, constitutiones et privilegia Ord. Cisterciensis*. Antverp. 1630. fol. Pierre le Nain *essai de l'histoire de l'ordre de Citeaux*. Paris 1696 s. voll. ix. in 8. *Pragm. Gesch. ii. 49. iii. 1. Hurter iv. 164.*

⁵ Compare especially the contemporary *Hermanni Monachi de miraculis s. Mariae Laud. libb. iii. c. 2 ss. in Guiberti opp. ed. d'Achery p. 544 ss. Acta SS. Jun. i. 804. ad d. 6. Jun. Chrysost. van der Sterre vita s. Norberti*. Antverp. 1656. 8. *La vie de s. Norbert* (par le P. Louis Charles Hugo), Luxemb. 1704. 4. *Pragm. Gesch. iv. 271. Hurter iv. 200.*

⁶ The order grew up in some inconsiderable hermitages so unnoticed, that we owe the first intimation of it to the cursory remark of a Greek writer. John Phocas 1185 in his description of the Holy Land (in Leon. Allatii *synmicta*. Colon. 1654. 8. p. 1.) first mentions the cavern of Elias on Carmel, the ruin of an antient monastery, and adds *Πρὸ δέ τινων χρόνων ἀνὴρ μοναχὸς, ἱερεὺς τὴν ἀξίαν, — ἐξ ἀποκαλύψεως τοῦ Προφήτου τῷ τόπῳ ἐπιδημήσας, — ἀδελφοὶς ὡσεὶ δεκά σιγάδας, νῦν τὸν ἅγιον χρόνον ἐκείνον οἰκεῖ.* Even in the year 1211 the society was so insignificant that Willibrandus ab (O)lenburg in his *Itinerarium terrae sanctae* (in

pestilential disease distinguisht by the name of St Antony's Fire, founded (1095) the order of St Antony at Vienne, for the cure of the sick, (called Hospitalarii s. Antonii Abbatis, Antonier, Autoniterherren):⁷ Guido instituted at Montpellier about 1178 the Brethren of the Hospital, Innocent III. in 1204 appointed the newly revived Hospitale s. Spiritus in Saxia as their Mother-House at Rome, similar Hospitalia s. Spiritus were founded in connexion with this in many towns (the brethren were called Hospitalarii s. Spiritus, Kreuzherren.)⁸ For the liberation of captive Christians from the hands of the Infidels, John of Matha, establisht in 1198 the order of the Trinitarians (Ordo sanctissimae Trinitatis de redemptione captivorum, Mathuriner) with the principal monastery of Gerffroi in the diocese of Meaux.⁹

On the other hand in both the elder orders that of the Benedictines and of Cluny, desire of independence, ambition, and love of pleasure had increased with their wealth. The Popes encouraged them in the following manner; since the time of Gregory VII., they had been continually granting new exemptions to the monasteries,¹⁰ which canvassed for them with jealous rivalry,

Allatius l. c.) mentions indeed the Mansio Eliae, but not this. On the other hand Jacobus de Vitriaco (1218), in his hist. Hierosol. c. 52 (Gesta Dei per Francos l., 1075: Alii ad exemplum et imitationem sancti viri et solitarii Eliae Prophetae in monte Carmelo—juxta fontem, qui fons Eliae dicitur,—vitam solitariam agebant etc. However the society received a rule, (probably in the year 1209) from Albert Patriarch of Jerusalem (in Holsten. codex regul. ed. Broekie iii. 18,) and confirmation of the rule from Pope Honorius III. 1226, under the name Fratres eremitae de monte Carmelo, also eremitae s. Mariae de Carmelo, cf. Dan. Papebrochius in Act. ss. April. i. 774. Pragm. Gesch. i. 1. Hurter iv. 211.

⁷ Acta SS. Januar. ii. 160. J. E. Kappii diss. de fratribus s. Antonii. Lips. 1737. 4.

⁸ Petri Saulnier. diss. de capite s. Ordinis s. Spiritus, in qua ortus progressusque Ordinis totius, ac speciatim Romanae domus amplitudo disseruntur. Lugd. 1694. 4. Vom Orden d. heil. Geistes, in Abele's Mag. f. Kirchenrecht u. Kirchengesch. ii. 421. Hurter iv. 220.

⁹ Pragm. Gesch. iv. 111. Hurter iv. 213.

¹⁰ Of these there were many gradations, see Thomassin. p. I. lib. iii. c. 37 ss. Planck IV. ii. 542. Montag ii. 532. Raumer vi. 363. 374. Hurter iii. 488: How far these extended in some cases compare Urbani ii. ep. x. ad Abbatem Cavensem (in Mansi xx. 652), in which he grants the Monastery first many indulgencies, and afterwards remarkable privileges: Apostolicae ergo memoriae praedecessoris

and episcopal insignia and privileges to the Abbots.¹¹ Beside

nostri Gregorii VII. institutis tenacius adhaerentes, Cavense coenobium —nos quoque hujus nostri privilegii pagina communimus, et ab omni tam saecularis quam ecclesiasticae personae jugo liberum esse omnino decernimus.—Concedentes et edicto perpetuo confirmantes, ut tam tu quam successores tui per terras tui monasterii habitas et habendas libere possis ecclesias construere, cum cruce signare, aliaque pontificalia et spiritualia exercere: sacrorum ordinum collationis, basilicarum et altarium consecrationis, ac chrismatis confectionis, tibi tuisque successoribus dumtaxat abdicata penitus potestate. Decernentes, ut tam ipsius coenobii caput, quam Ecclesiae, quas nunc habet, sive plebanae fuerint, vel rurales, in civitate et dioecesi tantummodo Salernitana situatae, ab omni jure et jurisdictione episcopali sint exemptae, de plenitudine potestatis et gratia speciali; ita ut nullo jure seu foro contentioso tu vel tui successores, fratres ipsius monasterii, seu clerici saeculares in praedicta civitate et dioecesi, per Salernitanum praesulem ac capitulum aliquatenus constringantur, quinimo Ecclesiae cum omnibus suis juribus et pertinentiis pleno jure ipsi monasterio sint subditae. Si vero aliquos de tuis monachis, seu clericos saeculares in Ecclesiis civitatis praedictae et dioecesi commorantes ad sacros elegeris Ordines promoveri, liceat tibi tuisque successoribus quemcunque malueris Episcopum convocare, dummodo catholicus fuerit, sed in aliis dioecesibus requisito dumtaxat primitus diocesano. De quibus Ecclesiis, sitis in jam dicta civitate et dioecesi, nihil dioecesanus exigere praesumat. From legacies left to Monasteries, the Bishops might not demand, quartam vel tertiam partem. The Monastery might bury any one who desired it in its church-yard, and so forth.

¹¹ The use of the Dalmatica and sandals had been before now appointed for many Abbots (Montag ii. 238); The other Episcopal insignia, for instance the mitre, were about this time first assigned to Abbots (called from this *Abbates mitrati* s. *infulati*). The Abbot of the Monastery of St Augustine in Canterbury is said indeed to have received the mitre and sandals from Alexander II. as early as 1063 (Guil. Thorn chron. de gestis Abbatum s. August. Cantuar. in Hist. Anglicanae scriptt. x. ed. Twysden p. 1785.) This distinction was discontinued per simplicitatem Abbatum, until Abbot Roger I. revived it in the year 1179 (l. c. p. 1824): However the monks of this monastery are so infamous for forged privileges (Wharton Anglia sacra P. II. Praef. p. iv.), that the first statement may well be thought false. On the other hand the Abbot of St Maximin in Treves received from Gregory VII. *mitram et chirothecas* (Aub. Miraci hist. diplom. Belgic. c. 1.) Urban II. granted *Dalmaticae, campagorum, chirothecarum et mitrae usum* to the Abbots of Cluny in 1088 (Bullarum Romanorum Pontiff. ampl. collectio op. C. Coqueelines ii. 62. 83) and of Cassino 1097 (ibid. p. 98. Chron. Casin. iv. c. 17 in Muratorii scriptt. iv. 503): On the contrary he granted to the Abbot of St Sophia in Beneventum 1092 only permission, on five festivals every year ad Missarum tantum solennia chirothecis atque etiam

the genuine privileges of this kind, spurious imitations¹² were produced in great numbers during this age of forgeries (see above, § 60, note 10). Moreover the numerous unions of parishes with monasteries which were protected from Bishops, no less than from secular patrons,¹³ furnished the Abbots with an inducement

campagis uti (Bull. Rom. l. c. p. 73.) The Abbot of Fulda first received the mitre and ring from Innocent II. in the year 1137 (Schannat cod. prob. hist. Fuld. p. 174. Comp. Petri Blesensis ep. 90 under note 14. Thomas Cantipratensis (about 1255) *bonum universale de apibus* lib. l. c. 6. no. 2. 3. says, that at first these insignia were rarely granted; afterwards however they were obtained by many Abbots at a great price. Gregory IX. allowed (1236) the Abbot of the Benedictine monastery s. Facundi besides, *indumenta sacerdotalia benedicere ac monachos, et clericos saeculares monasterio ipsi pleno jure subjectos usque ad Acolytatus ordinem promovere* (see the Bull in Emm. Roderici nova collectio privilegiorum mendicantium, Antverp. 1623, fol. p. 12.) All these and still further privileges Innocent IV. granted in 1247 and 1248 to the Abbot of St Gall, in reward of his gallantry against Frederick II.: in particular he gave him the right of blessing new sacred vessels, and of ordaining to the *ordines minores*, he also granted him several parishes, and such other privileges see *Arx. Gesch des Cantons St Gallen* i. 361.

¹² Comp. Godefridi Episc. Ambianensis († 1118) *vita* lib. ii c. 9 ss. in Surius ad d. S. Nov. The Monks of the monastery of St Valerius assert their independence of the Bishop of Amiens, they said they were subject to no man but the Roman Pontiff, and in proof of their claim produced forged privileges signed with the name of some Roman Pope. They were convicted of fraud, but now they betake themselves to Pascal II. (c. 14), ply well their gifts, and return home glad and cheerful, having got all they wished from the Roman Pontiff. A Bishop of Chalons told Pope Innocent at the Council of Rheims 1131 (see Epist. Egidii Ebroicensis Episc. ad Alexandrum P. in Wharton *Anglia sacra* P. ii. Praef. p. v.), quod, dum in Ecclesia b. Medardi Abbatis officio fungeretur, quendam Guernonem nomine ex monachis suis in ultimo confessionis articulo se falsarium fuisse confessum, et inter caetera, quae per diversas Ecclesias figmentando conscripserat, Ecclesiam b. Andoëni, et Ecclesiam b. Augustini de Cant. adulterinis privilegiis sub apostolico nomine se munisse, lamentabiliter poenitendo asseruit. So writes Petrus Blesensis (about 1160) in the name of the Archbishop of Canterbury, to Alexander III. (Petr. Bles. epist. 68. in Bibl. PP. Ludg. xxiv. 988): *Falsariorum praestigiosa malitia ita in Episcoporum contumeliam se armavit, ut falsitas in omnium fere monasteriorum exemptione praevaleat.* The monastery of Michelberg in Bamberg was infamous for the manufacture of forged documents. Jack's *Gesch. d. Bamb. Bibl.* II. ix. Comp. Planck IV. ii 552.

¹³ Examples are to be found in Günther cod. Rhén. Mosell. ii. 62 Laconblet's *Urkundenbuch* f. d. *Gesch. d. Niederrheins*, Bd. 2. vorr. S. xliii. Hurter iii. 458.

to grasp at Episcopal rights.¹⁴ Amidst the prosecution of such aims, and in perfect freedom from Episcopal oversight, it could not but happen that monastic discipline in the religious houses should fall more and more into decay,¹⁵ and that in many of

¹⁴ Thus complains Arnulphus Episc. Lexoviensis (about 1160) in epist. 69. ad Alexandrum Papam (Bibl. PP. Ludg. xxii. 1339): *Est quiddam quod tam meam quam alias vehementer angit Ecclesias, quorundam scilicet rapax et intemperans audacia Monachorum, qui, quo liberius affluent, saecularis potentiae praesidia redimentes, primo Episcopis omnem obedientiam subtrahunt, et parochiales Ecclesias cum altariis et decimationibus caeterisque beneficiis de manu laica recipere pactis quibuslibet sacrilegia temeritate praesumunt. In his ergo ab eis nec canonicus ordo, nec episcopalis assensus exigitur; sed devocatis ad proprietatem omnibus, mercenarios in tanta paupertate ibi constituunt sacerdotes, ut ad exhibitionem suam et ad onera Ecclesiae portanda non habeant, quod opilioni sufficeret aut cursori. Generale est hoc, sed in episcopatu meo vehementius est haec grassata malignitas, nec jam nobis cujuslibet rationis obtentu, sed fallaciis ac muneribus nobis, praesidioque violentiae saecularis obsistunt. Stephanus Ep. Tornacensis (about 1195) epist. 200, brings the same complaints of the monks of s. Bertini. Conc. Moguntinum ann. 1261 c. 47 (in Hartzheim Concil. Germ. iii. 611): *Religiosi plerique, modum avaritiae non ponentes, nec contenti divitiarum fluvio, quem absorbuisset noscuntur, accumulando sibi largissima praedia et alios redditus copiosos; ut in os eorum totus Jordanus influat, tot suis collegiis cupiditatis studio obtinuerunt uniri parochias, et maxime meliores, quod paucae in Alemannia inveniantur Ecclesiae, de quibus possint clerici commodè sustentari.—Ad haec cum Religiosi quidam alieni per fratres sui Ordinis officient Ecclesias sic unitas, et in fratribus ipsis sit dissolutionis occasio, quia iidem eo sunt procliviores ad lubricum, quo religionis titulo stulte autumant esse exemptos, ac Praelati eorum per Archidiaconos tales corrigi minime patiantur:—auctoritate hujus sacri Concilii et hoc duximus admittendum, ut Religiosorum Ecclesiae non per fratres eorum officiantur, sed per clericos saeculares, ut saltem de reliquiis, quae de immensa Religiosorum mensa ceciderunt, sustentari valeant pauperes sacerdotes. Conc. Lateran. iv. ann. 1215. c. 60: *Accedentibus ad nos de diversis mundi partibus Episcoporum querelis, intelleximus graves et grandes quorundam Abbatum excessus, qui suis finibus non contenti, manus ad ea, quae sunt episcopalis dignitatis, extendunt, de causis matrimonialibus cognoscendo, injungendo publicas poenitentias, concedendo etiam indulgentiarum literas, et similia praesumendo, unde contingit interdum, quod vilescat episcopalis auctoritas apud multos.***

¹⁵ See Bernhardi tract. ad Henricum Senon. Archiep. de moribus et officio Episcoporum c. 9. (ed. Mabillon. iv. 31): *Miror quosdam in nostro Ordine monasteriorum Abbates hanc humilitatis regulam odiosa contentione infringere, et sub humili (quod pejus est) habitu et tonsura tam superbe sapere, ut cum ne unum quidem verbulum de suis imperiis*

subditos praetergredi patiantur, ipsi propriis obedire contemnunt Episcopis. Spoliant Ecclesias, ut emancipentur; redimunt se, ne obediant. — Plus timeo dentes lupi, quam virgam pastoris. Certus sum enim ego monachus, et monachorum qualiscunque Abbas, si mei quandoque pontificis a propriis cervicibus excutere jugum tentavero, quod Sataanae mox tyrannidi meipsum subijcio. — Aperte indicant quidam horum quid cogitent, dum, multo labore ac pretio apostolicis adeptis privilegiis, per ipsa sibi vindicant insignia pontificalia, utentes et ipsi more pontificum mitra, annulo atque sandaliis. Sane si attenditur rerum dignitas, hanc monachi abhorret professio: si ministerium, solis liquet congruere pontificibus. Profecto esse desiderant, quod videri gestiunt, meritoque nequeunt esse subjecti, quibus jam ipso se comparant desiderio. Quid, si et nomen eis conferre privilegiorum posset auctor: quanto putas auro redimerent, ut appellarentur pontifices? Quo ista, o Monachi? Ubi timor mentis? Ubi rubor frontis etc. Idem de consider. ad Eugen. P. lib. iii. c. 4: Subtrahuntur Abbates Episcopis, Episcopi Archiepiscopis, Archiepiscopi Patriarchis sive Primatibus. Bonane species haec? Mirum si excusari queat vel opus. Sic facitando probatis, vos habere plenitudinem potestatis, sed justitiae forte non ita. Facitis hoc, quia potestis, sed utrum et debeatis, quaestio est.—Nolo autem praetendas mihi fructum emancipationis ipsius: nullus est enim, nisi quod inde Episcopi insolentiores, monachi etiam dissolutiores fiunt. Quid quod et pauperiores. Inspice diligentius talium ubique libertorum et facultates et vitas, si non pudenda admodum et tenuitas in illis, et in his secularitas invenitur. Petri Cantoris Paris. († 1197) verbum abbreviatum c. 44 (in Lannoji opp. III. ii. 513): Refertur et legitur idem Bernardus in zelum hujus enormitatis et exemptionis ab Ecclesia eradicandae multum affectasse sedere in sede papatus per triennium, propter tria maxime, propter revocandos Episcopos ad Metropolitanum suum, ut ei subijcerentur et obedirent, et Abbates exemptos ad Episcopum suum, ut sub ejus jurisdictione militarent. Secundum erat, ne aliquis in Ecclesia duas haberet dignitates. Tertium ne monachus in cella vel alibi extra conventum degeret.—Petrus Blésensis ep. 68 ad Alexandrum III. (see note 12) introduces the saying of the Abbot of Malmesbury: Viles sunt Abbates et miseri, qui potestatem Episcoporum prorsus non exterminant, cum pro annua auri uucia plenam a sede Romana possint assequi libertatem: and says thereupon: Adversus Primates et Episcopos intumescunt Abbates, nec est, qui majoribus suis reverentiam exhibeat et honorem. Evacuatum est obedientiae jugum, in qua erat unica spes salutis, et prevaricationis antiquae remedium. Detestantur Abbates habere suorum excessuum correctorem, vagam impunitatis licentiam amplectuntur, claustralisque militiae jugum relaxant in omnem desiderii libertatem. Hinc est, quod monasteriorum fere omnium facultates datae sunt in direptionem et praedam. Nam Abbates exterius curam carnis in desideriis agunt, non curantes, dummodo laute exhibeantur, ut fiat pax in diebus eorum: claustrales vero, tanquam acephali, otio vacant et vaniloquio: nec enim presidem habent, qui eos ad frugem vitae melioris inclinet. Quodsi tumultuosas eorum contentiones audiretis, claustrum non multum differre crederetis a foro—Quid est eximere ab Episcoporum jurisdictione Abbates, nisi

them scandal should be occasioned by their haughtiness and luxury.¹⁶

In the order of Cluny, which was most widely spread in France, this was especially the case under Pontius (from 1109—1125), the licentious Abbot of Cluny;¹⁷ whilst, at the same time the new Cistercian order found a distinguished chief in Bernard, its second founder (1113 monk at Cîteaux, 1115

contumaciam ac rebellionem præcipere, et armare filios in parentes? Videant, quæso, ista, et judicent, qui judicant orbem terræ, ne inde emanare videantur injuriæ, unde jura sumuntur.—Scimus equidem, quod ob quietem monasteriorum. Et Episcoporum tyrannidem has exemptiones plerumque Romani Pontifices indulserunt: verumtamen in contrarium res versa est. Monasteria enim, quæ hoc beneficium damnatissimæ libertatis, sive apostolica auctoritate, sive, quod frequentius est, bullis adulterinis adeptæ sunt, plus inquietudinis, plus inobedientiæ, plus inopiæ incurrerunt: ideoque et multæ domus, quæ nominatissimæ sunt in sanctitate et religione, has immunitates aut nunquam habere voluerunt, aut habitas continuo rejecerunt. Peter writes in the same strain to his brother, a certain Abbot William, ep. 90:—Retulit mihi quidam nuncius vester, qualiter dom. Papa vos mitra proprii capitis, et aliis ornamentis episcopalibus insignivit. De benedictione gaudeo: sed insignia episcopalis eminentiæ in Abbate nec approbo, nec accepto. Mitra enim, et annulus, atque sandalia in alio, quam in Episcopo, quædam superba elatio est, et præsumptuosa ostentatio libertatis.—Putatis in susceptione mitræ, sandaliorum et annuli vestri monasterii dignitatem plurimum promovisse: in his tamen nihil video, nisi inobedientiæ malum, seminarium odii, tumorem elationis, et superbiæ ventum.—Per salutem itaque patri, qui nos genuit, et per ubera, quæ suximus in eadem matre, frater, unice vos adjuro et deprecor, ut in signum plenæ humilitatis pontificalia resicnetis insignia; aut, si hoc sine scandalo fieri nequit, renunciatis in manu dom. Papæ monasterii administrationem etc. William actually did resign his office, as appears from ep. 93.

¹⁶ In the great monasteries, as the Abbots imitated Bishops, so the Monks imitated Canons, *Arx. Gesch. v. St Gallen* l. 469. Opportunities for wanton living were especially given, when there were convents for both sexes under one roof, or close beside each other, or when in an establishment for monks *sorores conversæ* or *reclusæ* were to be found. *Raumer* vi. 426. *Hurter* iii. 527. *Spicker's Kirchen u. Reformgesch. v. Brandenburg.* i. 107. 509. Concerning the corruption of morals in the Hungarian Benedictine monasteries, see *Honorii P. iii.* Letters from the year 1225 in *Fejér cod. dipl. Hungar.* III. ii. 19. There are complaints against the monastic orders in *Nigellus Wineker* (Precentor at Canterbury about 1180) *speculum stultorum*, (in the *Delectus poeseos mediæ ævi* fasc. 1. Lond. 1836. Satire: the land of Cocaygne in *Haupt's und Hoffmann's altdutschen Blättern* i. 396.

¹⁷ *Mabillon annal.* v. 252. 530.

Abbot of Clairvaux † 1153),¹⁸ and began to develop a character, thoroughly opposed to that of the Cluniac order.¹⁹ Thence may

¹⁸ Bernardi opera (epistolae, sermones, ascetic writings) best edited by J. Mabillon t. ii. Paris. 1667, new edition 1690. 1718 (Veronae 1726. 3 voll.) fol., ed. 4 emend. et aucta Paris. 1839. 2 voll. 4 (Kra-binger's Rec. in d. Münchener gel. Anz. Sept. 1841. s. 513.)—His Life by William Abbot of S. Thierry in Rheims, and Gaufrerus, Monk of Clairvaux, both contemporaries, and another by Alanus de Insulis, Monk of Clairvaux († 1182), in Mabillon's edition.—A. Neander der heil. Bernhard und sein Zeitalter. Berlin 1813. 8. Histoire de s. Bernard, par l'Abbé Théod. de Ratisbonne, Paris 1840. 2 t. gr. 12.

¹⁹ The distinguishing characteristics of the Cistercians were: 1. A life of strict poverty (compare the Instituta Mon. Cist. under the second Abbot Alberich, about 1100, in the Relatio in Miraei chron. Cist. p. 25, quoted in note 4: reijicientes a se, quicquid Regulæ [Benedicti] refragabatur, froccos videlicet et pelliceas ac stamina, capucia quoque et femoralia, pectinia et coopertoria, stramina lectorum, ac diversa ciborum in Refectorio fercula, saginen et caetera omnia, quae puritati Regulæ adversabantur etc. In the fundamental rule of the order drawn up under the third Abbot Stephanus in the year 1119, the Charta charitatis in Henriquez regula, constitt. et privil. Ord. Cistec. p. 35, speaks thus § 2: Nunc ergo volumus,—ut Regulam b. Benedicti per omnia observent, sicuti in novo monasterio observatur. Alium non inducant sensum in lectione s. Regulæ, sed sicut antecessores nostri ss. Patres, Monachi videlicet novi monasterii intellexerunt et tenuerunt—ita et isti intelligant et teneant) even the disuse of all ecclesiastical pomp (under the third Abbot Stephanus, after 1109, confirmaverunt, ne retinerent cruces aureas aut argenteas, nisi tantummodo ligneas coloribus depictas, neque candelabra nisi unum ferreum, neque thuribula, nisi cuprea vel ferrea, neque casulas nisi de fustaneo vel lino, sine pallio aureo vel argenteo. Pallia vero omnia et cappas atque dalmaticas tunicasque ex toto dimiserunt etc. see Relatio l. c. p. 391.) 2. Submission to Bishops (thus the Charta charitatis was drawn up, as Calixtus II. remarks in his Bull of confirmation in Mansi xxi. 190, consensu Episcoporum, in quorum parochiis eadem monasteria continentur: and the Cistercian Abbots from the first took the following oath to the Bishop of the diocese, see Honorius III. in Decr. Greg. lib. v. tit. iii. c. 43: Ego frater Abbas Cisterciensis Ordinis subjectionem et reverentiam et obedientiam, a ss. Patribus constitutam, secundum regulam s. Benedicti, tibi, domine Episcopo, tuisque successoribus, canonice substituendis, et sanctae sedi apostolicae, salvo ordine meo, perpetuo me exhibiturum promitto.) 3. Forbearance from other engagement in the cure of souls (compare the Statuta capitulorum generalium Ord. Cistec. in Martene thesaur. iv. 1243, and in Holstein-Brockie ii. 395. For instance, Statuta ann. 1152 no. 8: Nullus praeter Regem, sive Reginam, sive Archiepiscopos et Episcopos in nostris sepeliuntur ecclesiis: and ann. 1157 no. 63: Ad sepeliendum non nisi fundatores recipiantur. ann. 1182 no. 4: Pro pacto certo nulla fiat Missarum pro-

be explained, not only the incredible speed with which this new order spread,²⁰ but also the jealousy which forthwith sprang up between the Cistercian and Cluniac monks.²¹ The organization

missio, quia simoniacum est. ann. 1185 no. 8. ann. 1186 no. 3 : Nimis est grave, et contra canones et instituta Ordinis, quod Abbates nostri baptizare praesumunt. A penalty was imposed on them for this, and it was further decreed : Idem patiat, qui aquam consecraverit, vel puerum de sacro fonte lavaverit. ann. 1215 no. 20 and ann. 1234 no. 1 : Districte inhibetur, ne monachi Ordinis nostri parochiales Ecclesias regere, vel in eis deservire, aut curam animarum habere—permittantur.) 4. The peculiar form of government of the order registered in the Charta charitatis. Its peculiarity consisted in this, that the monarchical influence of the Abbot of Cîteaux received an aristocratic limitation from the four most eminent Abbots next to him (note 20), and the general chapter of the Cistercian order : then that all the monasteries were visited every year, the branch houses by the Abbot of the principal church, Cîteaux by the four abbots above mentioned. 5. The exchange of the black robe which the Benedictine congregations had worn down to this time, for a white one, a peculiarity by no means without significance in monks, see Petrus vener. below note 21.—In their submissive demeanour towards Bishops the Cistercians had the Premonstrants for followers. With regard to the resolution of these last, compare the confirmation of Innocent III. lib. i. epist. 197 : communi consilio Abbatum vestri Ordinis statuistis, quod nullus Abbatum vestrorum mitra vel chirothecis utatur, ne forsan ex ipsis supercilium elationis assumat, aut sibi videatur sublimis, cum his uti se viderit, quae Pontificibus et maioribus Ecclesiarum Praelatis a sede apostolica sunt concessa. cf. J. Launoji inquisitio in privilegia Praemonstraten-sium (opp. III. i. 454.)

²⁰ The four earliest and most eminent abbeys, daughters (filiae) of Cîteaux, were Firmitas (la Ferte) founded in 1113, Pontiniacum (Pontigny) in 1114, Claravallis (Clairvaux), and Morimundum (Mori-mond) in 1115 : each of these again had a numerous progeny (filatio generatio), so that in the 13th century there were already more than 1800 Cistercian abbeys.

²¹ Compare Hurter's Innocent III. iv. 189. Bernard wrote about 1125 the apologia ad Gulielmum S. Theodoricum Abbatem, the Cluniac Abbot of St Thierry, with the view (cf. prologus) ut illis, qui de nobis tanquam detractoribus Cluniacensis Ordinis conqueruntur, satisfaciatur, thus et Ordinem quidem laudabilem, et Ordinis reprehensores reprehensibiles doceam, et nihilominus tamen ipsius superflua reprehendam. He first expresses his esteem for the order of Cluny, and censures the Cistercians who, with one-sided and superficial judgment, preferred their own order far above all others : Cap. 5. Fratres, qui etiam post auditam illam Domini de Pharisaeo et Publicano parabolam, de vestra iustitia praesumentes, ceteros aspernamini, dicitis (ut dicitur), solos vos hominum esse justos, aut omnibus sanctiores : solos vos monachorum regulariter vivere, ceteros vero Regulae potius existere transgressores.

of general chapters and regular Monastic visitation, in the Cister-

Then he passes on to the abuses of the order of Cluny (cap. 6), quæ quidem etsi fieri videntur in Ordine, absit tamen, ut sint de Ordine.—Cap. 7: Miror etenim, unde inter monachos tanta intemperantia in comessationibus et potationibus, in vestimentis et lectisterniis, et equitaturis, et construendis aedificiis inolescere potuit: quatenus, ubi hæc studiosius, voluptuosius atque effusius fiunt, ibi Ordo melius teneri dicatur, ibi major putetur religio. Ecce enim parcitas putatur avaritia, sobrietas austeritas creditur, silentium tristitia reputatur. E contra remissio discretio dicitur, effusio liberalitas, loquacitas affabilitas, cachinnatio jucunditas, mollities vestimentorum et equorum fastus honestas, lectorum superfluous cultus munditia. He continues in cap. 8 to censure the voluptuous lives of the monks of Cluny, cap. 9, the costliness of their clothing, cap. 10, the expenditure of their abbots (Mentior, si non vidi Abbatem LX. equos et eo amplius in suo ducere comitatu. Dicas, si videas eos transeuntes, non patres esse monasteriorum, sed dominos castellorum etc.), cap. 11, the magnificence of their churches: Sed hæc parva sunt: veniam ad majora, sed ideo visa minora, quia usitatoria. Omitto oratoriorum immensas altitudines, immoderatas longitudes, supervacuas latitudes, sumptuosas depolitiones, curiosas depictiones: quæ dum orantium in se retorquent aspectum, impediunt et affectum, et mihi quodammodo repræsentant antiquum ritum Judæorum. Sed esto, fiant hæc ad honorem Dei: illud autem interrogo monachus monachos, quod in gentilibus gentilis arguebat: *Dicite*, ait ille, *Pontifices, in sancto quid facit aurum?* (Persii Sat. ii. v. 69) Ego autem dico: *Dicite pauperes*,—si tamen pauperes, in sancto quid facit aurum? Et quidem alia causa est Episcoporum, alia Monachorum. Scimus namque, quod illi sapientibus et insipientibus debitores cum sint, carnalis populi devotionem, quia spiritualibus non possunt, corporalibus excitant ornamentis. Nos vero, qui jam de populo exivimus, qui mundi quæque pretiosa ac speciosa pro Christo reliquimus, qui omnia pulchre lucentia, canore mulcentia, suave olentia, dulce sapientia, tactu placentia, cuncta denique oblectamenta corporea arbitrati sumus ut stercore, ut Christum lucrifaciamus: quorum, quaeso, in his devotionem excitare intendimus?—Et ut aperte loquar, an hoc totum facit avaritia, quæ est idolorum servitus. et non requirimus fructum, sed datum? Si quaeris, quomodo? miro, inquam, modo. Tali quadam arte spargitur aes, ut multiplicetur.—Ipso quippe visu sumptuosarum, sed mirandarum vanitatum accenduntur homines magis ad offerendum, quam ad orandum.—Auro tectis reliquiis saginantur oculi, et loculi aperiuntur. Ostenditur pulcherrima forma Sancti vel Sanctæ alicujus, et eo creditur, sanctior, quo coloratur. Currunt homines ad osculandum, invitantur ad donandum, et magis mirantur pulchra, quam venerantur sacra.—Quid putas, in his omnibus quaeritur? poenitentium compunctio, an intuentium admiratio? O vanitas vanitatum, sed non vanior quam insanior! Bernard declares himself just as strongly against the exemption of monasteries from episcopal jurisdiction, thus above note 15, whilst all Cluniac monasteries were exempted.—Compare the letters of Petrus venerabilis, Abbot of Cluny (from

cian order,²² seemed so advantageous to discipline, that Innocent

1122 to 1156) to Bernard, Epistoll. lib. i. ep. 28 (Bibl. Patr. Lugd. xxii. 841.) He first enumerates the charges of the Cistercians against the order of Cluny: *Objiciunt itaque nostris quidam vestrorum: non, inquit, vos Regulam—sequimini,—Patrum praecepta pro vestris traditionibus abjecistis.—In suscipiendis novitiis quomodo Regulam servatis, cum non nisi post annum—eos suscipi praecipiat: vos autem ipso quo advenit, ut ita loquamur, momento—eos suscipiatis?—Usua quoque pelliciarum, diversarum pellium quae auctoritate vobis defenditis, cum in eadem Regula nihil de hujusmodi reperiatur? Among the many other charges these are remarkable: Opus manuum, quo ss. Patres eremitae et antiqui monachi semper uti sunt,—abjecistis.—Contra totius orbis morem proprium Episcopum habere refugitis.—Ecclesiarum parochialium, primitiarum et decimarum possessiones quae ratio vobis contulit: cum haec omnia non ad monachos, sed ad clericos canonica sanctione pertineant?—Sed et de saecularibus possessionibus, a vobis more saecularium possessis, quid respondebitis? Nam castra, villas et rusticos, servos et ancillas, et, quod deterius est, telonearia lucra, et fere cuncta hujusmodi emolumenta indifferenter suscipitis,—contra infestantes modis omnibus defenditis. On the other side the monks of Cluny answer: O, o Phariseorum novum genus, rursus mundo redditum! qui se a caeteris dividentes, omnibus praeferentes, dicunt, quod Propheta dicturos eos praedixit: *Noli me tangere, quoniam mundus ego sum.*—Et vos sancti, vos singulares, vos in universo orbe vere monachi, aliis omnibus falsis et perditis,—solos vos inter omnes constituistis: unde et habitum insoliti coloris praetenditis, et ad distinctionem cunctorum totius fere mundi monachorum inter nigros vos candidos ostentatis. Et certe haec vestium nigredo, antiquitus humilitatis causa a Patribus inventa, cum a vobis rejicitur, meliores vos ipsis candorem inusitatum praeferendo judicatis. Then comes a detailed reply to the accusations of the Cistercians; and at last the charge: Nonne animarum salutem, atque idcirco charitatem negligitis, quando fratribus necessaria negatis, quando eos frigore, usu pellicearum negato, affligitis, quando hac violentia (nam multi vestrum hoc inviti sustinent) eos vel ad murmurationem, vel ad fugam compellitis? Sed et si sunt aliqui, qui hoc quoquomodo sustineant, procedente tempore, corrupto corpore morbis, sanitatem frigore perdunt, et languidi saepe perpetuo facti, Deo servire nequeunt. Peter concludes with the declaration: Haec tibi, frater carissime,—scripsi: in quibus aliorum verbis meum quoque intellectum expressi. Another letter from Peter to Bernard, lib. iv. epist. 17 (found also among Bernard's letters, as epist. 229), contains a heartfelt recommendation of harmony and love, and investigates the causes of disunion between the two orders. Among others: Fortassis vestes istae coloris diversi incentivum discordiae praestant, et multiformis varietas vestium varietatem quoque parit et mentium. Nam, ut paene assidue cerno, et omnibus ipsis quoque negligenter intentibus advertere perfacile est, niger, ut sic dicam, Monachus album fortuito occurrentem obliquo sidere respicit: albus nigrum vix media oculi parte, et quando se ingerit, contuetur etc. He*

III. establish them by law in all orders.²³ However soon after Bernard's time, the Cistercians also sank under the common destiny of every order, they also quickly contracted a relish for earthly wealth,²⁴ and struggled like other monks for empty

represents the monk of Cluny as saying: *Quis pati potest novos homines veteribus anteferri, eorum studia nostrorum actibus praeponi, nostros viliores, illos cariores videri? Quis aequo oculo aspicere potest, mundum ex plurima sui parte a nostro veteri Ordine averti, ad ipsorum novum propositum converti: relinqui tritas a saeculis vias, concursus fieri ad ignotas hactenus semitas? Quis patiat, novos veteribus, juniores senioribus, albos nigris monachis anteferri? Hoc tu, inquam, niger dicis. Sed tu, albe, quid proponis? Felices nos, inquis, quos longe probabilior institutio commendat, quos beatiores aliis monachis mundus praedicat, quorum opinio aliorum existimationem, quorum dies aliorum lucernam, quorum sol aliorum sidus obscurat. Nos religionis perditae restauratores, nos emortui Ordinis resuscitatores, nos languentium, tepentium, sordentium monachorum justissimi condemnatores. Nos moribus, nos actibus, nos usibus, nos vestibus a ceteris divisi, et veterum teporem ostentui fecimus, et novum nostrorum fervorem prae cellere approbamus. Cf. Petri ven. lib. vi. ep. 4 ad Bernardum and ep. 15. ad Priores Ord. Cluniacensis. That the disunion of the two orders still continued after the death of these venerable chiefs, is proved by the work of a German Cistercian against the monks of Cluny: *Dialogus inter Cluniac. Monachum et Cisterc. de diversis utriusque Ordinis observantiis*, written between 1153 and 1173 (in Martene thesaur. v. 1569.)*

²² See above, note 19. 4.

²³ Conc. Lateran. iv. ann. 1215, c. 12: *In singulis regnis sive provinciis fiat de triennio in triennium, salvo jure dioecesanorum Pontificum, commune capitulum Abbatum atque Priorum Abbates proprios non habentium.*—Advocent autem caritative in hujus novitatis primordiis duos Cisterciensis Ordinis Abbates vicinos, ad praestandum sibi consilium et auxilium opportunum, cum sint in hujusmodi capitulis celebrandis ex longa consuetudine plenius informati.—Hujusmodi vero capitulum aliquot certis diebus continue juxta morem Cisterciensis Ordinis celebratur, in quo diligens habeatur tractatus de reformatione Ordinis, et observatione regulari: et quod statutum fuerit, ab omnibus inviolabiliter observetur etc. Ordinentur etiam in eodem capitulo religiosae ac circumspectae personae, quae singulas abbatias—vice nostra student visitare, corrigentes et reformatantes, quae correctionis et reformationis officio viderint indigere etc.

²⁴ Alexandri III. ep. ad Abbates Cisterc. (1171 in Manrique annal. Cisterc. ii. 520. Decr. Greg. III. xxxv 3): *dolentes dicimus, quod etsi non ab omnibus,—a plerisque tamen—ab illa sancta institutione dicitur declinatum, in tantum, ut aliqui ex vobis, primae institutionis obliti—contra Ordinis vestri Regulam villas, molendina, ecclesias, et altaria possident, fidelitates et hominia benigne suscipiant, justitiarum et tributarios tenent, et omne studium adhibent, ut termini eorum*

ostentation and ecclesiastical independence.²⁵ At the Council of Vienne (1311) it was even a Cistercian abbot who pleaded for the exemption of monasteries.²⁶

Since the multifariousness of monastic brotherhoods had already produced many hazardous results:²⁷ Innocent III. forbade the foundation of new orders.²⁸

dilantentur in terris, quorum conversatio in caelis debet esse etc. Compare Hurter iv. 186.

²⁵ After that spiritual jurisdiction over its own members had been granted to the order, Alexander III. in 1162 assigned to it the same power over its tenants (firmarios) and dependents (Manrique Cisterc. annal. i. 357.) Statuta capituli gen. Cisterc. ann. 1257 (Martene thes. anecdot. iv. 1407): Ad preces et admonitionem sanctissimi patris nostri summi Pontificis, qui super hoc scripsit Capitulo generali, statuitur, ut Abbatibus liceat uti cappis in omnibus solemnitatibus, quibus fit processio, quoties etiam albis induuntur et portant baculum pastoralem, neenon et altaris ministris uti dalmatica et tunica, Abbate duntaxat celebrante. Clement IV. even writes to the Cistercian Abbot of Casa Dei (Launoji opp. v. i. 263), decessores suos monasteriis dedisse privilegia juri divino contraria et humano, quae rationabiliter annullare se posse, and adds to this: Et quamvis nostris praedecessoribus, prout necessitas exigit, geramus honorem, multa tamen eorum aliquibus placuerunt, quae nobis imparis meriti et scientiae nulla possent ratione placere.

²⁶ The Archbishop of Bourges Aegidius Romanus (see § 59 note 36), had written a tract. adv. exemptos, Guil. Durantis tract. de modo celebrandi generalis concilii (see § 62, note 23), proposes the abolition of exemptions. On the other hand now wrote Jacobus Abb. Cisterc. Ord. Silvanectensis diocesis lib. contra impugnantes exemptionem, which Raynald. ad ann. 1312 no. 24 gives in extracts. This Cistercian puts St Bernard lightly on one side: Nec repugnant praedictis dicta Bernardi in epistola ad Henricum Senonensem Archiepiscopum et in libro de consideratione ad Eugenium Papam (see above note 15, quia ibi loquitur per comparisonem ad finem per accidens in Ordine ad abutentes, et supposito bono regimine Praelatorum.

²⁷ Anselmus Havelbergensis Episc. dialogorum (written 1145 lib. i. cap. 1 (in d'Achery spicileg. i. 163): Solent plerique mirari et in quaestionem ponere, et interrogando non solum sibi, verum etiam aliis scandalum generare: dicunt enim, et tanquam calumniosi inquisitores interrogant: quare tot novitates in Ecclesia Dei fiunt? quare tot Ordines in ea surgunt? quis numerare queat tot Ordines Clericorum? quis non admiretur tot genera Monachorum? quis denique non scandalizetur. et inter tot et tam diversas formas religionum invicem discrepantium taedioso non afficiatur scandalo? Quinimo quis non contemnat christianam religionem, tot varietatibus subjectam, tot adinventionibus immutatam, tot novis legibus et consuetudinibus agitatam, tot regulis et moribus fere annuatim innovatis fluctuantem? Quod modo, inquit, a quibusdam propter regnum caelorum praecipitur, hoc statim ab

§ 68.

RISE OF THE MENDICANT ORDERS.

Scarcely was that law issued, when the Popes found themselves already induced to grant exceptions from its operation, in favour of a new kind of Monks, which promised fresh advantages of a peculiar kind to the Roman See.

Hitherto monks had been in theory penitents separated from the world; they renounced all sympathy with the world and all influence over its affairs.¹ Still their pretended apostolical life was not only generally regarded with suspicion at this time, but a new idea of apostolical life as consisting in an activity, which renounced all

eisdem, seu ab aliis propter regnum caelorum prohibetur: quod modo tanquam sacrilegum inhibetur, subito tanquam sanctum et salubre conceditur. Tales, cum otiosi sunt, inducunt quaestiones, et corda simplicium pervertunt, dicentes, omnem religionem tanto esse contumtibiliorem, quanto mobiliorem. Quod enim, inquit, est tam mobile, tam variabile, tam instabile, quomodo alicui sapientum digne potest esse admirabile? propria quippe sua varietate probat se respuendum esse. Ecce videmus in Ecclesia Dei, ut ajunt, quosdam emergere, qui pro libitu suo insolito habitu induuntur, novum vivendi ordinem sibi eligunt, et sive sub monasticae professionis titulo, sive sub canonicae disciplinae voto, quidquid volunt, sibi assumunt, novum psallendi sibi adiuvant, novum abstinentiae modum, et metas cibariorum statuunt, et nec Monachos, qui sub Regula b. Benedicti militant, nec Canonicos, qui sub Regula b. Augustini apostolicam vitam gerunt, imitantur: sed omnia, sicut dictum est, pro libitu suo nova facientes, ipsi sibi sunt lex, ipsi sibi sunt auctoritas, et quos possunt, in suam societatem sub praetextu novae religionis colligunt. Et in hoc religiosiores videri putantur, si ab omni religiosorum habitu et disciplina sequestrati inveniantur, et tanquam prae caeteris notabiles digito demonstrantur. Haec et his similia dicunt, et crebris quaestionibus alios inquietant.

²⁸ Conc. Lateran. iv. ann. 1215 c. 13: Ne nimia religionum diversitas gravem in Ecclesia Dei confusionem inducat, firmiter prohibemus, ne quis de caetero novam religionem inveniat: sed quicumque voluerit ad religionem converti, unam de approbatis assumat.

¹ For this reason parochial work also was forbidden them, Conc. Pietav. ann. 1100 c. 11. Ut nullus monachorum parochiale ministerium Presbyterorum, id est, baptizare, praedicare, poenitentiam dare, praesumat. Calixtus II. in Conc. Lateran. i. ann. 1123 c. 17: Interdicimus Abbatibus et monachis publicas poenitentias dare, et infirmos visitare et unctiones facere, et Missas publicas cantare.

enjoyment and consecrated itself singly to the preaching of the Gospel, was displayed, especially by the Waldenses, and made a deep impression on the people. While the founders of the new orders made themselves masters of the idea there put forth, they succeeded in banishing its spirit of hostility to the Church, as well as in securing for their orders an influence and an energy, such as no Monastic society had ever before achieved.²

² Chron. Ursperg. ad ann. 1212 (ed. Argentor. 1609 p. 243): Eo tempore, mundo jam senescente, exortae sunt duae religiones in Ecclesia, cujus ut aquilae renovatur juvenus, quae etiam a sede apostolica sunt confirmatae, videlicet *Minorum fratrum et Praedicatorum*. Quae forte hac occasione sunt approbatae, quia olim duae sectae in Italia exortae adhuc perdurant, quorum alii *humiliatos*, alii *pauperes de Lugduno* se nominabant. Quos Lucius Papa quondam inter haereticos scribebat, eo quod superstitiosa dogmata et observationes in eis reperiuntur. In occultis quoque praedicationibus, quas faciebant, plerumque in latibulis Ecclesiae Dei et sacerdotio derogabatur. Vidimus tunc temporis aliquos de numero eorum, qui dicebantur *pauperes de Lugduno*, apud sedem apostolicam cum magistro suo quodam, ut puto *Bernhardo*, et hi petebant sectam suam a sede apostolica confirmari et privilegiari. Sane ipsi dicentes, se gerere vitam Apostolorum, nihil volentes possidere aut certum locum habere, circuibant per vicos et castella. Ast dominus Papa quaedam superstitiosa in conversatione ipsorum eisdem objecit, videlicet quod calceos desuper pedem praecidebant, et quasi nudis pedibus ambulabant. Praeterea cum portarent quaedam cappas, quasi religionis, capillos capitis non attondebant, nisi sicut laici. Hoc quoque probrosum in eis videbatur, quod viri et mulieres simul ambulabant in via, et plerumque simul manebant in una domo, et de eis diceretur, quod quandoque simul in lectulis accubabant. Quae tamen omnia ipsi asserebant ab Apostolis descendisse. Caeterum dominus Papa in loco eorum exsurgentes quosdam alios, qui se appellabant *pauperes minores*, confirmavit, qui praedicta superstitiosa et probrosa respuebant, sed praecise nudis pedibus tam aestate quam hieme ambulabant, et neque pecuniam neque quicquam aliud praeter victum accipiebant, et si quando vestem necessariam quisquam ipsis sponte conferebat: non enim quicquam petebant ab aliquo. Illi tamen postea attendentes, quod nonnunquam nimiae humilitatis nomen glorionem importet, et de nomine paupertatis, cum multi eam frustra sustineant apud deum, vanius inde gloriantur, maluerunt appellari *minores fratres*, quam *minores pauperes*, apostolicae sedi in omnibus obedientes. Alii, videlicet *Praedicatores*, in locum *humiliatorum* successisse creduntur. *Humiliati* quippe, nulla habita auctoritate aut licentia Praelatorum mittentes falcem in messem alienam populis praedicabant, et vitam eorum plerumque regere satagebant, et confessiones audire, et ministerii sacerdotum derogare. Quae volens corrigere Papa Ordinem *Praedicatorum* instituit et confirmavit. Illi quippe rudes et illiterati cum essent, operibus manuum instabant et praedicabant, accipientes necessaria a suis credentibus. Isti vero studio et lectioni

From the year 1207 Francis of Assisi³ first began to gather round him a society, in a church of the Virgin at Portiuncula, in order to reproduce such an Apostolic life and labour in the strictest obedience to the Apostolic See.⁴ His animated devotion first exprest itself at the same time in an ascetic life, rejecting all earthly possessions, enjoyments, and knowledge, regarding no considerations, not even those of customary de-meanour; and also in powerful exhortations to penitence and love. And if the former course past at first for frenzy, still it quickly received another significance from the overpowering impression which his simple forcible preaching made upon an age stiffening under the influence of a mechanical Church. Men felt that with Francis a new and powerful energy had come into operation in the Church, and he became the object of an almost

sacrae Scripturae jugiter insistentes, tantum in scribendo libros opus faciebant, et eos diligentissime a magistris suis audi bant, ut cum sagittis et arcu et omni armatura fortium possent ingredi et stare pro defensione sanctae matris Ecclesiae, et ex adverso adscendere, et ponere se murum pro domo Israel, dum fidem roborant, virtutes instruunt, statuta Ecclesiae docent et collaudant, vitia hominum et pravitates redarguunt et castigant. Nihilominus sedi apostolicae in omnibus obediunt, a qua auctoritatem praecipuam trahunt. True the distinction between Humiliati and Pauperes de Lugduno rose from a misunderstanding of a decree of Lucius, see below §. 86, note 6, and the Bernard here mentioned was a chief of the Pauperes catholici. see §. 88, note 26. But the leading idea of the passage, that the mendicant orders formed themselves in opposition to the Waldenses is quite right.

³ Among the numerous Biographies of him, the most important are that by Thomas de Celano, a friend of the saint, written about 1229 at the command of Gregory IX. (prim. ed. in act. SS. Octobr. ii. 683.) the completion of the trium sociorum, namely Leo Angelus and Rufinus, written in 1246 (prim. ed. l. c. p. 723), and the life by Bonaventura in 1261 drawn from the earlier lives, and from legends afterwards preserved only in the order (l. c. p. 742, ss.) Cf. acta SS. Octobr. ii. 545, ad. d. 4 Oct. Pragm. Gesch. d. vornehmsten Mönchsorden ii. 209. Hurter's Innocenz III. iv. 239.—Luc. Waddingi annales Minorum s. trium Ordinum a s. Francisco institutorum. Lugd. 1625—1654. Tomi viii. fol. (they go down to 1540.) The new edition, greatly enlarged, was published at Rome 1731—1741, Tomi xix. fol. reaches down to 1564.

⁴ Thomas Celanus in vita Francisci lib. i. c. 3 § 22: Sed cum die quadam Evangelium, qualiter Dominus miserit discipulos suos ad praedicandum, in eadem ecclesia [b. Mariae Virg. in Portiuncula] legeretur, et Sanctus Dei assistens ibidem verba evangelica intellexisset, celebratis Missarum solenniis, a sacerdote sibi exponi Evangelium

idolatrous veneration.⁵ Provisionally sanctioned by Innocent III. in 1209, and solemnly established by Honorius III. in 1223,⁶

suppliciter postulavit. Qui cum ei cuncta enarrasset, audiens s. Franciscus, discipulos non debere aurum, sive argentum, vel pecuniam possidere, non peram, non sacculum, non panem, non virgam in via portare, non calceamenta, non duas tunicas habere, sed regnum Dei et poenitentiam praedicare: continuo exultans in Spiritu Dei, hoc est, inquit, quod volo; hoc est, quod quaero; hoc totis medullis cordis facere concupisco. Festinat proinde Pater sanctus, superabundans gaudio, ad impletionem salutaris auditus.—Solvit protinus calceamenta de pedibus, baculum deponit e manibus etc.—Cap. 4 § 23: Exinde cum magno fervore spiritus et gaudio mentis coepit omnibus poenitentiam praedicare, verbo simplici, sed corde magnifico aedificans audientes. Erat verbum ejus velut ignis ardens, penetrans intima cordium. Et omnium mentes admiratione replebat. Totus alter videbatur, quam fuerat, et caelum intuens, dedignabatur respicere terram. § 29: After he had gathered eight disciples, tunc b. Franciscus omnes ad se convocavit, et plura eis de regno Dei, de contemptu mundi de abnegatione propriae voluntatis et proprii corporis subjectione pronuncians, binos illos in partes quatuor segregavit, et ait ad eos: Ite cautissimi, bini et bini per diversas partes orbis, annunciantes pacem hominibus, et poenitentiam in remissionem peccatorum. Et estote patientes in tribulatione, securi, quia propositum suum et promissum Deus adimplebit. Interrogantibus humiliter respondete, persequentibus benedicite, vobis injuriantibus et calumniis referentibus gratias agite; et pro his regnum vobis paratur aeternum.

⁵ Thomas Celanus lib. i. c. 8. § 62: Tanta erat fides virorum et mulierum, tanta mentis devotio erga Sanctum Dei, ut felicem se pronuntiaret, qui saltem vestimentum ejus contingere potuisset. Ingresso ipso civitatem laetabatur clerus, pulsabantur campanae, exultabant viri, congaudebant foeminae, applaudebant pueri, et saepe ramis arborum sumptis psallentes ei obviam procedebant. Confundebatur haeretica pravitas, extollebatur fides Ecclesiae, et fidelibus vigilantibus haeretici latitabant.—Inter omnia et super omnia fidem s. Romanae Ecclesiae servandam, venerandam et inittandam fore censebat, in qua sola salus consistit omnium salvandorum.

⁶ Regula Francisci in Holstenius-Brockie iii. 30. Pragm. Gesch. iii. 227. Cap. 1: Regula et vita Fratrum Minorum haec est, scil. Domini nostri Jesu Christi sanctum Evangelium observare, vivendo in obedientia, sine proprio, et in castitate. Frater Franciscus promittit obedientiam et reverentiam domino Papae Honorio ac successoribus ejus canonice intrantibus et Ecclesiae Romanae. Et alii Fratres teneantur Fratri Francisco et ejus successoribus obedire. Cap. 4: Praecipio firmiter Fratribus universis, ut nullo modo denarios vel pecuniam recipiant, vel per se, vel per interpositam personam. Cap. 6: Fratres nihil sibi approprient, nec domum, nec locum, nec aliquam rem. Sed tanquam peregrini et advenae in hoc saeculo, in paupertate et humilitate Domino famulantes, vadant pro eleemosyna confidenter.

the order (*ordo fratrum minorum*) was at the time of Francis' death († 4 Oct. 1226) already increased to many thousands.⁷

Nec oportet eos verecundari, quia Dominus pro nobis se fecit pauperem in hoc mundo. Haec est illa celsitudo altissimae paupertatis, quae vos carissimos Fratres meos haeredes et reges regni caelorum instituit, pauperes rebus fecit, virtutibus autem sublimavit. Haec sit portio vestra, quae perducit in terram viventium. Cap. 9: Fratres non praedicent in Episcopatu alicujus Episcopi, cum ab eo illis fuerit contradictum.—From the will of St Francis (see Wadding ad ann. 1226 no. 36. Acta ss. l. c. p. 663) the following remarkable passage is taken:—Praecipio firmiter per obedientiam fratribus universis, quod, ubicumque sunt, non audeant petere aliquam literam in curia Romana per se, nec per interpositam personam, nec pro ecclesia, nec pro alio loco, neque sub specie praedicationis, neque pro persecutione suorum corporum: sed ubicumque non fuerint recepti, fugiant ad aliam terram, ad faciendum poenitentiam, cum benedictione Dei.—Et omnibus fratribus meis, clericis et laicis, praecipio firmiter per obedientiam, ut non mittant glossas in regula, nec in istis verbis [i. e. in testamento] dicendo: Ita voluit intelligi. Sed sicut dedit mihi Dominus pure et simpliciter dicere, et scribere regulam et ista verba, ita simpliciter et pure sine glossa intelligatis, et cum sancta operatione usque in finem observetis.—The superiors of the order were called *Ministri*, namely, *Custodes* (wardens), *Ministri provinciales*, *Minister generalis*. Every three years there was a *Capitulum generale*.

7 About this time writes Jacobus de Vitriaco histor. occident. c. 32: Praedictis tribus, Eremitarum, Monachorum et Canonicorum religionibus, ut regulariter viventium quadratura fundamenti in soliditate sua firma subsisteret, addidit Dominus in diebus istis quartam religionis institutionem, Ordinis decorem et Regulae sanctitatem. Si tamen Ecclesiae primitivae statum et ordinem diligenter attendamus, non tam novam addidit regulam, quam veterem renovavit, relevavit jacentem, et paene mortuam suscitavit religionem in vespere mundi tendentis ad occasum, imminente tempore filii perditionis, ut contra Antichristi periculosa tempora novos athletas praepararet, et Ecclesiam praemuniendo fuleiret. Haec est religio vere pauperum Crucifixi, et Ordo Praedicatorum, quos fratres Minores appellamus, vere Minores, et omnibus hujus temporis Regularibus in habitu et nuditate et mundi contemptu humiliores.—Regulam autem ipsorum dominus Papa confirmavit, et eis auctoritatem praedicandi, ad quascunque veniunt ecclesias, concessit; Praelatorum tamen loci ob reverentiam requisito consensu. Mittuntur autem bini ad praedicandum, tanquam ante faciem Domini, et ante secundum ejus adventum. Ipsi autem Christi pauperes neque sacculum in via portant, neque peram, neque panem,—neque calciamenta in pedibus suis habentes: nulli enim hujus Ordinis fratri licet aliquid possidere. Non habent monasteria vel ecclesias, non agros vel vineas vel animalia, non domos vel alias possessiones, neque ubi caput reclinent. Non utuntur pellibus, neque lineis, sed tantummodo tunicis laneis caputiatis; non cappis, vel palliis, vel cucullis, neque aliis prorsus

Along with this from the year 1212, there grew up the female order of the Clarissines (*Ordo s. Clarae*), which in 1224 received its rule from Francis.⁸ But the *Tertius Ordo de poenitentia* (*Tertiarii* or *Fratres conversi*)⁹ instituted by Francis in 1221 for secular persons, was of the greatest importance in promoting the efficacy of the Franciscans.

At the same time with Francis, Dominick,¹⁰ a canon of Osma, engaged since 1205 in the conversion of the Albigenses, founded a monastic brotherhood for this purpose at Toulouse. To this he

induuntur vestimentis. Si quis eos ad prandium vocaverit, manducant et bibunt, quae apud illos sunt. Si quis eis aliquid misericorditer contulerit, non reservat in posterum.—Non solum autem praedicatione, sed et exemplo vitae sanctae et conversationis perfectae multos, non solum inferioris ordinis homines, sed generosos et nobiles ad mundi contemptum invitavit: qui, relictis oppidis et casalibus et amplissimis possessionibus, temporales divitias et spirituales felici commercio commutantes, habitum fratrum Minorum, i. e. tunicam vilis pretii, qua induuntur, et funem, quo accinguntur, assumpserunt. Tempore enim modico adeo multiplicati sunt, quod non est aliqua Christianorum provincia, in qua aliquos de fratribus suis non habeant;—praesertim cum nulli ad religionem suam transeunti gremium claudant, nisi forte matrimonio vel aliqua religione fuerit obligatus.—Alios autem omnes in amplitudine religionis suae tanto confidentius—suscipiunt, quanto divinae munificentiae et providentiae sese committentes, unde eos Dominus sustentare debeat, non formidant. Ipsi enim funiculum cum tunica venientibus ad se largientes, quod reliquum est, supernae procuratori relinquant.

⁸ See this in Holstenius-Brockie iii. 34. Pragm. Gesch. iii. 261.

⁹ Bonaventura in vita Franc. c. 4: Nam praedicationis ipsius fervore succensi quam plurimi utriusque sexus in conjugali pudicitia Domino famulantes secundum formam a Dei viro acceptam, novis se poenitentiae legibus vinciebant, quorum vivendi modum idem Christi famulus Ordinem Fratrum de poenitentia nominari decrevit. Nimirum sicut in caelum tendentibus poenitentiae viam omnibus constat esse communem, sic et hic status clericos et laicos, virgines et conjugatos in utroque sexu admittens, quanti sit apud Deum meriti, ex pluribus per aliquos ipsorum patratu miraculis innotescit. The rule is in Holstenius-Brockie iii. 39. Pragm. Gesch. iii. 287. Afterwards there grew up monasteries for Tertiaries (*Tert. regulares*) who adopted more severe rules. The first that is known rose in 1287 at Toulouse, Pragm. Gesch. iii. 299.

¹⁰ Among the many lives of Dominick, the oldest is by Jordanus, the successor of the saint in the generalship of the order (in the Act. ss. August. i. 545. ad d. 4. Aug.), then there is that in use in the order, written about 1254 by Humbertus de Romanis, fifth general of the order. Pragm. Gesch. viii. 1. Hurter iv. 282.—*Annales Ordinis Praedicatorum* (by Th. M. Mamachius, &c.) Romae vol. i. 1746. fol.

gave, beside the *Regula s. Augustini*, which was assigned to him by Innocent III. peculiar ordinances of his own.¹¹ By means of the Papal sanction obtained from Honorius III. in 1216, he raised it to a separate order (*fratres Prædicatorum*):¹² and at length adopted for it, in the first general-chapter held at Bologna in 1220 Francis' fundamental maxim of evangelical poverty.¹³

Next to these first two mendicant orders came afterwards (1245) the Carmelite order, transplanted to Europe in 1238,¹⁴

¹¹ The *Constitutiones fratrum ord. Prædicatorum* (in Holstenius Brockie iv. 10) are collected from the decrees of several general-chapters by Raymundus de Pennaforti the third general of the order. There in the prolog. c. 3: *Ordo noster specialiter ob prædicationem et animarum salutem ab initio noscitur institutus fuisse, et studium nostrum ad hoc debet principaliter intendere, ut proximorum animabus possimus utiles esse.* The chiefs of the order are called priors, part *Priores conventuales*, part *provinciales*: The general of the order was called *Magister Ordinis*. Every three years was a *capitulum generale*.

¹² The Bull is in the Preface to the Constitutions: Honorius—Dominico etc. *Nos attendentes fratres Ordinis tui futuros pugiles fidei, et vera mundi lumina, confirmamus Ordinem tuum cum omnibus castris et possessionibus habitis et habendis, et ipsum Ordinem ejusque possessiones et jura sub nostra gubernatione et protectione suscipimus.*

¹³ Jordanus in *vita s. Dominici* cap. 4: *Tunc etiam ordinatum est ne possessiones vel redditus de caetero tenerent fratres nostri; sed et iis renunciarent, quos habuerant in partibus Tholosanis.* The Dominicans in Toulouse resisted this decree at the first, see act. ss. l. c. p. 494.—Constantinus Episc. Urbevitanus, who wrote between the years 1242 and 1247 a life of Dominick, records in no. 45 of the sayings of the saint on his deathbed: *Illud vero qua potuit distictione prohibuit, ne quis umquam in suo Ordine possessiones induceret temporales, maledictionem Dei omnipotentis et suam terribiliter imprecans ei, qui Prædicatorum Ordinem, quem præcipue paupertatis decorat professio, terenae substantiae veneno respergere laboraret.* Against the later Dominicans who would have this to be a forgery, see act. ss. l. c. p. 518.—In the constitution. *Fratr. Prædicatorum* dist. ii. cap. 1. constit. 3, the following passage is to be found on this head: *Mediocres domos et humiles fratres nostri habeant: nec fiant, aut permittantur fieri in domibus nostris curiositates et superfluitates notabiles in sculpturis, picturis, pavimentis et aliis similibus, quae paupertatem nostram deformant.* In *Ecclesiis* tamen permitti poterunt. *Si quis vero contra fecerit, poenae graviori culpae debitae subiacebit.* Item possessiones, seu redditus nullo modo recipiantur, nec *Ecclesiae*, quibus animarum cura sit annexa.

¹⁴ Already in the year 1226 Honorius III. seems to have issued the Bull *Ex Officii nostri* (see *Bullarium Carmelitanum*, Romæ, 1715 ss. fol. P. i. p. 4), which afterwards had to be repeated word for word by Innocent IV. in the year 1245 (l. c. p. 5) in which the Carmelites

and the Augustine-Eremites (*Eremitæ s. Augustini*. 1256.)¹⁵ After the example of the Franciscans the rest of the mendicants gradually established Tertiaries.¹⁶ Further multiplication of these new monastic families was indeed forbidden by Gregory X.;¹⁷ however, soon after the Servites (*Servi b. Mariæ Virginis*) who had grown up in Florence since the year 1233, and observed the rule of S. Augustine, must be recognised as a separate mendicant order.¹⁸

§ 69.

ACTIVITY OF THE MENDICANT ORDERS.

The peculiar constitution of these new orders, made them most appropriate tools for the Popes to work upon the people in

were forbidden, ne in proprietatem eremi vestrae loca, vel possessiones, seu domos, aut redditus alios recipiatis ullo modo, vel praesumatis habere, praeter asinos masculos, et aliquod animalium seu volatilium nutrimentum. By the Bull *Quae honorem* in 1248 (l. c. p. 8) Innocent IV. somewhat modified Albert's rule (see above § 67 note 6.)

¹⁵ They sprang from the union of many Cenobite establishments in Italy, which Alexander IV. brought about in 1256 by the Bull *Licet ecclesiae* (in *Bullar. Rom.* no. vi.) In the same Bull, § 6: *Vos universos et successores vestros a baculis vel ferulis deportandis, et quod non cogamini ad recipiendas possessiones aliquas vel habendas, decernens perpetuo liberos et exemptos.*

¹⁶ The *Fratres et Sorores de poenitentia s. Dominici* took their rise from the *Fratres de militia Jesu Christi* (see above § 72, note 17) already existing under the conduct of the Dominicans (see a proof of the date 1320 in the *Istoria de Cavalieri Gaudenti di F. D. M. Federici* vol. ii. *Cod. diplom.* p. 91 and Raymundus Capuanus, General of the Dominicans after 1380, in his *vita Catharinae Senensis* c. 8. *Act. ss.* April. iii. 871 s.), and received a rule in 1285 from Munione the Dominican General (in *Federici* l. c. p. 28 ss. *Comp. Act. ss.* August. i. 418. *Federici* l. c. ii. 108.—The Augustines first received in 1401 from Boniface IX. (*Pragm. Gesch.* vi. 67), the *Servi* in 1424 from Martin V., the *Carmelites* in 1476 from Sixtus IV. the confirmation of their tertiary order.

¹⁷ *Conc. Lugdun.* ann. 1274 c. 23.

¹⁸ Thus by John XXI. in 1277, by Benedict XI in 1304, see A. Gianii *annal. Ord. Fratrum servorum b. M. V.* ed 2. opera A. M. Garbii, Lucae 1719. 3 T. fol.

masses. For this reason they were soon endowed with rich privileges,¹ but for this reason also the original spirit quickly yielded, in many members, to the worldly policy of the Papacy. The Mendicant orders now came forward as the Popes favoured clergy, in opposition to the episcopal clergy; they drew the spiritual offices of the latter more and more to themselves,²

¹ Emm. Roderici nova collectio privilegiorum apostolicorum Regularium mendicantium et non mendicantium. Edit. nova Antwerp 1623. fol. For instance p. 11, Gregory IX. in 1237 to all Prelates (also in Matth. Paris ann. 1246 p. 693 s.): Quoniam abundavit iniquitas, et refrixit caritas plurimorum, sacrum Ordinem dilectorum fratrum Minorum Dominus suscitavit, qui non quae sua, sed quae sunt Christi quaerentes, tam contra profugandas haereses, quam contra pestes alias mortiferas exstirpandas, se dedicaverunt evangelizationi Verbi Dei in abiectione voluntariae paupertatis. Then comes the charge, quatenus filios fratres ejusdem Ordinis memorati, pro reverentia divina et nostra, ad officium praedicandi, ad quod sunt ex professione sui Ordinis deputati, benigne recipere procuretis; ac populos vobis commissos, ut ex ore ipsorum Verbi Dei semen devote suscipiant, admonentes, etiam in suis necessitatibus personaliter assistatis; nec impediatis, quo minus illi, qui ad praedicationem eorum accesserunt, tunc eorum sacerdotibus valeant confiteri etc. Idem 1240. p. 7, ut nullus ex Praelatis a fratribus Minoribus obedientiam manualement praesumat exigere. Innocentius IV. 1249, p. 15, to the Minorites: sepulturam ecclesiarum vestrarum liberam esse decernimus, ut eorum devotioni, et extremae voluntati, qui se illic sepeliri deliberaverint, nullus obsistat.

² The feeling of the rest of the clergy declares itself very strongly against them in the Prophecy of St Hildegard Abbess of Bingen († 1179) which was forged before the time of Matth. Paris (Engelhardt observatt. de prophetia in fratres Minores s. Hildegardi falso adscripta, Erlanger Osterprogr. 1833), according to the shorter record in Bzovii annal. ad ann. 1415 (there is a longer one in Flacii catal. test. ver. p. 652): Insurgent gentes, quae comedent peccata populi, tenentes ordinem mendicium, ambulantes sine rubore, invenientes nova mala, ut a sapientibus et Christifidelibus ordo perversus maledicatur. Sed Diabolus radicabit in eis quatuor vitia: scilicet adulationem, ut illis largius detur; invidiam, quando datur aliis et non sibi; hypocrisin, ut placeant per simulationem; et detractionem, ut seipsos commendent et alios vituperent. Propter laudes hominum et seductiones simplicium, sine devotione, sine exemplo martyrii (while the earlier orders had martyrs to point out among their numbers) praedicabunt incessanter Principibus, Ecclesiarum abstrahentes sacramenta a veris pastoribus, rapientes elemosynas pauperum miserorum et infirmorum, trahentes se in multitudinem populi, contrahentes familiaritatem mulierum, instruentes, qualiter blande maritos et amicos decipiant, et res proprias eis furtive tribuant. Tollent enim res injustas et male acquisitas, et dicent: *dante vobis et nos orabimus pro vobis* etc. Matthew Paris paints to the life

without being deterred by their loud complaints, and the hatred

the proceeding of the mendicant friars. For instance ann. 1243 p. 612 : Et quod terribile est et in triste praesagium, per trecentos annos, vel quadringentos, vel amplius, Ordo monasticus tam festinanter non cepit praecipitium, sicut eorum Ordo, quorum fratres jam vix transactis viginti quatuor annis primas in Anglia construxere mansiones, quarum aedificia jam in regales consurgunt altitudines. Ili jam sunt, qui in sumptuosis et diatim ampliatis aedificiis, et celsis muralibus thesauros exponunt impreciables; paupertatis limites, et basin suae professionis, juxta prophetiam Hildegardis Alemannicae, impudenter transgredientes. Morituris Magnatibus et divitibus, quos norunt pecuniis abundare, diligenter insistent, non sine Ordinariorum injuriis et jacturis; ut emolumentis inhient, confessiones extorquent et occulta testamenta, se suumque Ordinem solum commendantes, et omnibus aliis praeponentes. Unde nullus fidelis, nisi Praedicatorum et Minorum regatur consilijs, jam credit salvari. In acquirendis privilegiis solliciti; in curiis Regum et Potentum consilarii, et cubicularii, et thesaurii, paranympbi, et nuptiarum praeloquentes; papalium extortionum executores; in praedicationibus suis vel adulatores, vel mordacissimi reprehensores, vel confessionum detectores, vel incauti redargutores. Ordines quoque authenticos, et a ss. Patribus constitutos, videlicet a ss. Benedicto et Augustino, et eorum professores contemnentes (prout in causa Ecclesiae de Scardebure, in qua Minores turpiter ceciderunt, patuit), suum Ordinem alijs praeponunt. Rudes reputant, simplices, et seniliaeos vel potius rusticos Cistercienses: Nigros vero superbos et Epicureos Ad ann. 1246 p. 694. After he has enumerated the privileges granted by Popes to the mendicant orders, he proceeds: Ili igitur laetificati et magnificati Praedicatores varios Ecclesiarum Praelatos -- procaciter alloquentes, indulta sibi talia privilegia in propatulo demonstrarunt erecta cervice ea exigentes recitari, et in eorum Ecclesijs veneranter recipi et commendari, et ad praedicandum populo, sine aliqua contradictione, vel in Synodis, vel in Ecclesijs parochianis, quasi legatos vel etiam Dei angelos admitti. Et se ingerentes nimis impudenter rogabant singulos, etiam saepe viros religiosos: "esne confessus?" quibus si responsum fuisset: *etiam*; "a quo?" *A sacerdote meo.* "Et quis ille idiota? nunquam theologiam audivit, nunquam in Decretis vigilavit, nunquam unam quaestionem didicit enodare. Caeci sunt, et duces caecorum: ad nos accedite, qui novimus lepram a lepra distinguere, quibus ardua, quibus difficilia, quibus Dei secreta patuerunt. Nobis confitemini imperterriti, quibus tanta, ut jam videtis et auditis, concessa est potestas." Multi igitur, praecipue nobiles et nobilium uxores, spretis proprijs sacerdotibus et Praelatis, ipsis Praedicatoribus confitebantur: unde non mediocriter viluit Ordinariorum dignitas et conditio; et de tanto sui contemptu non sine magna confusione doluerunt, nec sine evidenti causa.—Videbant insuper, parochianos suos audacter jam peccare et impudenter, scientes se coram Presbytero proprio non erubescere, sua enormia peccata confitendo; quod magnum reputatur periculum, cum rubor et confusio in confessione pars sit maxima et potissima poenitentiae. Dicebantque susurrantes peccaturi ad invicem:

of the earlier orders.³ In the University of Paris, first the

Perpetremus quae nobis voluptuosa videntur et placentia : aliquibus enim Praedicatorum vel Minorum per nos transitum facientibus, quos nunquam vidimus vel unquam visuri sumus, cum consummatum fuerit quod desideramus, sine aliqua mora confitebimur. Ad ann. 1247 p. 727: Fratres Minores et Praedicatores, ut credimus, invitos jam suos fecit dominus Papa, non sine Ordinis eorum laesione et scandalo, telonarios et bedellos. P. 734: Verum non cessavit dominus Papa pecuniam aggregare,—faciens de fratribus Praedicatoribus et Minoribus, etiam invitis, non jam piscatores hominum, sed nummorum. Ad ann. 1239 p. 518: Et facti sunt eo tempore Praedicatores et Minores Regum consilarii et nuncii speciales: ut, sicut quondam mollibus induti in domibus Regum erant, ita tunc, qui vilibus vestiebantur, in domibus, cameris et palatiis essent Principum. About the year 1245 the secular clergy of England sent a letter of remonstrance to their King, (in Petri de Vineis epistt. lib. i. ep. 37. Usser de christian. Eccles. successionem et statu, ed. 1687 p. 137), in which it is said, among other things: Fratres Praedicatores et Minores—nos et jura nostra minoraverunt in tantum, quod simus jam ad nihilum redacti.—Tacemus autem qualiter praedicti fratres, in alienam messem paulatim manuum immittentes, clerum singulis dignitatibus supplantarunt, et sibi poenitentias, et baptismata, infirmantium unctiones et coemiteria usurpantes, in se omnem vim et auctoritatem clericalis ministerii astrinxerunt. Nunc autem ut jura nostra potentius enervarent, et a nobis devotionem praeciderent singulorum, duas novas fraternitates creaverunt, ad quas sic generaliter mares et foeminas receperunt, quod vix unus et una remansit, cujus nomen in altera non sit scriptum. Unde convenientibus singulis in Ecclesiis eorundem nostros parochianos maxime diebus solemnibus habere non possumus ad divina: imo, quod deterius est, nefas credunt, si ab aliis quam ab ipsis audiant verbum Dei.—Quid ergo aliud superest, nisi ut Ecclesias nostras—funditus diruamus?—Ipsi vero Praedicatores et Minores, imo nostri Praelati potius et Majores, qui a domiciliis et tuguriis inceperunt, domos regias et palatia subnixae altis columnis et officinis distincta variis erexerunt, quorum impensae deberent in usum pauperum erogari. Et qui prius in nascentis eorum religionis exordio, deposito fastu, calcare mundi gloriam videbantur, nunc fastum resumere, et amplecti videntur gloriam quam calcarunt.

³ Innocent IV. indeed, shortly before his death, in 1254, abolished the offensive privileges of the Mendicant Friars, see Waddingi ann. Minor. 1254 no. 2, and quoted from him in Raynald. 1254 no. 70. The documents missing there are Innocentii IV. literae dd. vi. Idus Maji ann. 1254 ad Episc. Constantiensem (in J. H. Hottingeri histor. ecclesiast. viii. 1246), quite in the same strain ad Archiep. Narbonensem (in Steph. Baluzii Conc. Galliae Narbon. append. p. 156): and his Bull ad universos Religiosos cujuscunque professionis vel Ordinis of 21. Nov. 1254 (in Bulaci hist. Univ. Paris. iii. 270.) Both are essentially to the same purpose. Compare in the first the complaints of the

Dominicans in 1230, soon after the Franciscans also possessed

Chapters in Zurich and Narbonne : Parochiani irrequisitis sacerdotibus, imo potius damnabiliter vilipensis ad quosdam religiosos, velut apud ipsos resinam duntaxat salutis invenient, se temere transferentes,—nexus vitiorum in confessione depromunt.—Porro tamquam parum sit proprios taliter sacerdotes despiciere, nisi eorum Ecclesiae pariter contemnuntur, iidem Parochiani—cum in praefatis Ecclesiis tam in officiis divinis, quam sacrae praedicationis eloquiis aure devotionis vocem sui debent suscipere sacerdotis, ipsis Ecclesiis contra ss. canonum statuta contemptis, ad eorundem religiosorum divertunt Ecclesias.—Si Parochianorum—[alicui] contingat in aegritudinis lectum decidere, statim confluunt religiosi praedicti, et plerumque infirmum, invitatione praeventa sub pietatis specie, visitantes, ipsius testamentum componunt et ordinant, magno tandem adscribentes muneri, si executores mercantur ipsius fieri testamenti. Quid plura? blandis ipsorum infirmus illectus sermonibus, omissis avertis et paternis sepulchris, apud eos eligens sepeliri, ampla ipsis, praedictis vero Ecclesiis nulla vel modica legata largitur etc. The decrees are most ample in the second Bull: Attendentes, quod ex usurpatione huiusmodi non tantum indevotio et contemptus in populo predeunt contra proprios sacerdotes, verum etiam erubescencia, quae est magna pars poenitentiae, tollitur, dum quis non proprio sacerdoti, quem habet continuum et praesentem, sed alieno et aliquando transeunti—sua crimina confitetur:—Universitati vestrae—mandamus, quatenus Parochianos alienos diebus dominicis et festivis non recipiatis de caetero in vestris Ecclesiis seu Oratoriis temere ad divina, nec ipsos sine sacerdotis sui licentia ad poenitentiam ullatenus admittatis: cum si quis alieno sacerdoti iusta de causa sua voluerit confiteri peccata, secundum statuta generalis Concilii licentiam prius postulare ac obtinere debeat a proprio sacerdote, vel saltem primo sibi confiteri et recipere absolutionis beneficium ab eodem: aliter namque ab ipso solvi non poterit, cum duplex in iudicando funiculus, scilicet potestatis et scientiae, requiratur, quorum alterum constat in alieno deficere sacerdote. Et ne parochialibus Ecclesiis devotio debita subtrahatur, ante Missarum sollemnia, ad quae audienda Parochiani prima diei parte in suis consueverunt et debent Ecclesiis convenire, nequaquam in vestris Ecclesiis praedicetis, nec hora illa solemnes in eis faciatis sermones, ne propter hos audiendos ad vos populus confluens parochiales Ecclesias derelinquat: sed nec ad praedicandum solemniter ad alias parochias accedatis, nisi a sacerdote parochiarum istarum fueritis invitati, vel saltem nisi ad illud humiliter petieritis et obtinueritis vos admitti. Et ut debitus honor Episcopis deferatur, eadem die qua dioecesanus Episcopus vel alius loco ejus solemniter, maxime in Ecclesia cathedrali, nullus vestrum in eadem civitate vel loco praedicare praesumat, ne salubris praedicationis doctrina ex frequenti consuectione huiusmodi quasi tedium generans contemnatur. Si vero in casu licito Parochianos alterius ad sepulturam, quam nemo sine iusta et rationabili causa temere debet eligere antiquis suorum parentum dimissis sepulchris, in vestris Ecclesiis recipere vos contingat: omnia quae obtentu hujus sepulturae fueritis consequuti, medietatem vel tertiam vel quartam

themselves of a cathedra magistralis in theologia. When they

partem, juxta felicitis recordationis Gregorii Papae praedecessoris nostri decretum, secundum consuetudinem regionis, etiam non requisiti, infra VIII. dies a tempore receptionis eorum Episcopo vel sacerdoti, de cujus parochia mortuus assumptus est, exhibere curetis.—When however Innocent IV. died soon after, the Mendicant Friars forthwith gave out (see the contemporary, the Dominican Thomas Cantimpranus de apibus lib. ii. c. 10. no. 21): cum—litteras dedisset,—eadem die paralysi percussus obmutuit, nec unquam postea invaluit, aut surrexit.—Manifestissime visus est mortuus dari Sanctis Dei Francisco atque Dominico; and (cf. Monachus Patavinus about 1270, in Chron. lib. ii. in Muratorii rer. Ital. t. viii.) the Litanies appointed to be sung by the Mendicants had induced the blessed Virgin to recommend their cause with a fili exaudi eos: on which account it became a proverb at Court: a litanis Praedicatorum libera nos Domine (Wadding l. c. Bulaeus iii. 273.) So Alexander IV. found it advisable, a few days after his accession to the see, dd. 31. Dec. 1255, to recal the decree of his predecessor (the Bull is in Wadding in Regest. Pontific. Bulaeus iii. 273. Rodericus p. 19 bulla ii.); and in 1259 he even declared to the Mendicants (Rodericus p. 27): dudum in quibusdam nostris literis determinando expressimus, quod vos de licentia, vel commissione, aut concessione Legatorum sedis apostolicae, vel Ordinariorum locorum libere potestis praedicare populis, audire confessiones, aut poenitentias injungere, *sacerdotum parochialium assensu minime requisito*. Supported with these privileges, the Mendicant Friars proceeded to oppose the secular clergy in a hostile spirit; see the complaints of Bishop Walther of Strasburg in Concil. Mogunt. ann. 1261 in Mansi xxiii. 1106 and ejusd. Conc. c. 45. At Lubeck in 1277, on occasion of the funeral of a rich matron, matters proceeded to an open battle between the Mendicant Friars and the secular clergy; compare the letter of the Archbishop of Bremen to the chapter of Cologne in the year 1278 (Theol. Studien u. Kritiken I. i. 109): Et ecce quid faciunt et fecerunt praedicti fratres: concitare coeperunt Consules et populum dictae civitatis universum; et dominum Episcopum cum Capitulo et Clero suo ab ipsa civitate irreverenter ejecerunt, et ipsi in locum ipsorum surrexerunt, dicti quoque Episcopi prohibitionem contempta singulas Ecclesias et Parochias in civitate ab ipso interdictas Pastoribus legitimis fugatis officiantes, praedicantes, confessiones audientes, oblationes tollentes, sacramenta ministrantes, sententias Ordinarii non curantes, sed nullas fore ipsas judicantes,—occasionem dantes, ut contra Clericos, et quemlibet suo Episcopo obedientem clametur Heretics, Heretics! in capite omnium platearum. Praedicant et dicti fratres in suis stationibus, quod nulli obedire teneantur, nec Episcopis, nec Archiepiscopis, nec Primatibus, nec apostolicae sedis Legatis. Nevertheless in 1280 the arbitrator delegated by the Pope decided in favour of the Mendicants. The chapter in Zofingen complains in 1287 (Der Schweizer. Geschichtsforscher ii. 398), that the Dominicans had made their way in there by night, built themselves in on a piece of land belonging to the chapter, and taken

endeavoured to draw to themselves other professorial chairs also, they were involved after 1252 in a violent quarrel with the university.⁴ Their most eminent adversary Guilelmus de

the timber for the purpose from their woods without any regard to their opposition. Si quos vero justitia exigente excommunicamus,—etiam absolvent, vocantes eosdem ad divina. Plurimas injurias et gravamina quotidie nobis immeritis irrogantes, opprobria, convicia palam tam in facies quam post tergum afferunt, domus nostras—lapidantes.—Injurias nobis ab ipsis illatas, et crimina, quae tamen Domino concedente non sunt vera, nec probari vera possunt, per singula vix in cute pergameni vobis possunt pleniter explicari. At last Boniface VIII., about 1300, by the Decretal Super Cathedram (Extravag. comm. lib. iii. tit. 6. c. 2) arranged their mutual relations somewhat more equitably. He decreed 1. ut fratres Praedicatorum et Minorum Ordinum in Ecclesiis et locis eorum, ac in Plateis communibus libere valeant—praedicare,—hora illa dumtaxat excepta, in qua locorum Praelati praedicare voluerint, vel coram se facere sollempniter praedicari.—In Ecclesiis autem parochialibus fratres illi nullatenus audeant vel debeant praedicare,—nisi a parochialibus sacerdotibus invitati fuerint vel vocati, et de ipsorum beneplacito et adsensu. 2. ut magistri—Praedicatorum—et custodes minorum—ad praesentiam Praelatorum eorundem locorum se conferant,—humiliter petitori, ut fratres, qui ad hoc electi fuerint, in eorum civitatibus et dioecesibus confessiones subditorum suorum confiteri sibi volentium audire libere valeant.—Quodsi forte jam dicti Praelati quemquam ex dictis fratribus, praesentatis eisdem, ad hujusmodi officium nolent habere, vel non ducerent admittendum: eo amoto—loco ipsius similiter eisdem praesentandus, Praelatis possit et debeat alius subrogari. Si vero iidem Praelati praefatis fratribus—hujusmodi exhibere licentiam recusarint: nos exnunc ipsis, ut confessiones sibi confiteri volentium libere liciteque audire valeant, et eisdem poenitentias imponere salutare, atque eisdem beneficium absolutionis impertiri, gratiose concedimus de plenitudine apostolicae potestatis. Per hujusmodi autem concessionem nequaquam intendimus—fratribus ad id taliter deputatis potestatem in hoc impendere ampliolem, quam in eo curatis vel parochialibus sacerdotibus est a jure concessa. 3. ut fratres in Ecclesiis vel locis suis—liberam, ut sequitur habeant sepulturam, videlicet quod omnes ad eam recipere valeant, qui sepeliri elegerint in locis—memoratis. Verum—auctoritate apostolica constituimus—eamdem, ut dictorum ordinum fratres de obventionibus omnibus, tam funeralibus, quam quibuscunque et quomocunque relictis,—quartam partem—parochialibus sacerdotibus—largiri integre teneantur. Benedict XI. indeed once more abolished these arrangements, and assigned to the mendicants all their former privileges again (Extrav. Comm. lib. v. tit. 7. c. 1): However Clement V. in the year 1311 by the Decretal Dudum (Clement III. tit. 7. c. 2) re-establishes the decree of Boniface VIII.

⁴ Cf. Bulaei hist. Univ. Paris. III. 240. Crevier hist. de l'université de Paris. I. 396. Dubarle hist. de l'université, Paris 1829. i. 90.

Sancto Amore, doctor of the Sorbonne, advanced there to an attack on the very Institution of the mendicant friars, and upon their lives and works.⁵ Against him Thomas Aquinas and

Cramer-Bossuet VII. 131. Schlosser's Vincent v. Beauvais ii. 140. Hist. littér. de la France xix. 197.—Compare the Satirist of the day Rutebeuf Descorde de l'université et des Jacobins, De sainte Eglise, Dit de Guillaume de Saint-Amour, comment il fut exilé, and La complainte maistre Guil. de St Amour (œuvres complètes de Rutebeuf par Achille Jubinal i. 151. 245. 71. 78.) cf. Hist. litt. de la Fr. xx. 750.

⁵ By the work *De periculis novissimorum temporum*, 1256 (in Edw. Brown append. ad fasciculum rerum expetendarum et fugiendarum p. 18 and in Guil. opp. [ed. de Flavigny] Constantiae [Paris] 1632. 4. p. 17), so entitled with reference to 2 Tim. iii. 1 divided into fourteen chapters. He shows in chap. 1. quod in finali Ecclesia multa imminere pericula Ecclesiae universae. Cap. 2. per quos instabunt dicta pericula (represented according to 2 Tim. iii. 2.) Illi dicuntur amare se ipsos, qui licet velint alios corrigere, non tamen ab aliis hominibus volunt corrigi in factis suis, licet aliquando perversis.—Illi ergo maxime, qui in statu perfectionis sunt, cum honorem suum temporalem cum multorum etiam ostendiculo appetunt et quaerunt, plus diligunt se quam Deum.—Subjungit Apostolus: *ex his qui penetrant domos.*—Qui autem sunt penetrantes domos, exponit Glossa sic: Illi penetrant domos, qui ad literam ingrediuntur domos illorum, quorum regimen animarum ad eo non pertinet, et rimantes proprietates i. e. secreta eorum: quod non potest fieri, nisi ingerant se ad audiendum confessiones peccatorum eorum.—Instabunt etiam pericula per pseudopraedicatores, Matth. xxiv. 11: *Multi pseudoprophetae surgent, et seducent multos.* Pseudo autem praedicatores sunt omnes qui praedicant non missi, quantumcunque literati sunt et sancti, etiamsi faverent signa vel miracula, according to Rom. x. 15.—Ab Ecclesia vero eliguntur Episcopi, qui Apostolis successerunt, et parochiales Presbyteri, qui discipulis septuaginta duobus successerunt.—Unde Chorepiscopi, quia officium Episcopi usurpabant in aliquo, ab Ecclesia sunt sublati. Cum enim non nisi duos ordines inter discipulos Domini esse cognoverimus, i. e. XII. Apostolorum et LXXII. discipulorum, unde iste tertius ordo processerit, funditus ignoramus; et quod ratione caret, extirpari necesse est.—Si forte dominus Papa concedit aliquibus personis potestatem praedicandi ubique, intelligendum est, ubi ad hoc fuerint invitati.—Et sic non potest Romanus Pontifex destruere, quod ab Apostolis et Prophetis decretum est: alioquin errare convinceretur, ut dicit Urbanus Papa Caus. xxv. qu. i. c. 6.—Ergo si viri regulares praedicationi se immisceant, videtur, quod non sint a Deo missi, et ideo pseudo sunt reputandi. Sic ergo patet ex praedictis, qui sunt penetrantes domos, et qui sunt pseudo; patet etiam, quod per tales instant vel instabunt pericula novissimorum temporum universae Ecclesiae.—Cap. xii. qualiter sunt dicta pericula repellenda? Among the six methods proposed this is the fifth, praecipere illis, qui sunt de secta illa, ut deserant eam, quia

Bonaventura⁶ pleaded, specially for their own orders: and by virtue of the papal support the outward victory remained on the side of the latter. However Bonaventura himself could not conceal the fact, that the hatred which found utterance in many ways against the mendicant orders, was richly deserved by them.⁷

tales finaliter deserunt Christum.—Heu modo utinam attenderent viri religiosi, qui se curiis Principum ingerunt, quod Petrus semel curiam Principis intravit, et ter Christum negavit. Item quod vivere tales debeant de labore corporis: imo etiam omnes Christiani, qui non habent aliunde, unde vivant, dum tamen sint validi corpore, non obstante, etiamsi vacent operibus spiritualibus, according to 1 Thess. iv. 11. 2 Thess. iii. 10. Si quaeratur hic, ejusmodi periculum sit in petendo necessaria sive mendicando: respondemus, quoniam illi, qui de mendicitate vivere volunt, fiunt, adulatores, et detrectatores, et mendaces, et fures, et a justitia declinantes.—Sed dicit quis: nonne opus perfectionis est omnia relinquere pro Christo, et postea pro Christo mendicare? Respondemus: omnia pro Christo relinquere, et ipsum sequi, imitando in bonis operibus, opus perfectionis est: Luc. 18, 22: *Vende omnia quae habes, et da pauperibus, et sequere me.* Glossa: bene operando, non dicit mendicando: nam hoc prohibetur ab Apostolo, ut supra dictum est. Qualiter ergo vivendum est, inquires, viro perfecto, postquam reliquerit omnia? Respondetur: aut operando corporaliter manibus, aut intrando monasterium, ubi habeat necessaria vitae.—Validus corpore, qui de labore suo, vel aliunde sine peccato vivere potest, si eleemosynas pauperum mendicorum recipit, sacrilegium committit. Sed dicit quis: sunt quidam regulares, qui, licet sint validi corpore, tamen illos Ecclesia diutius mendicare permisit, vel saltem dissimulavit, numquid tales permittendi sunt perpetuo mendicare? Respondemus: quod non, cum faciant contra Apostolum, et alias scripturas.—Quapropter si etiam confirmatum esset ab Ecclesia per errorem, nihilominus tamen comperta veritate revocari deberet. Nam sententiam Romanae sedis non negamus posse in melius commutari Caus. xxxv. qu. ix.—Quod dicunt aliqui majoris perfectionis esse, nihil habere neque in proprio, neque in communi, quam nihil habere proprium, sed habere in communi, sicut habent Monachi, contrarium est veritati (according to John xii. 6, Acts iv. 32.) To the same effect are Guilelmi sermones ii. in Brown l. c. p. 43.—The work *De periculis noviss. temp.* was indeed forthwith condemned by Alexander IV. in the year 1256 (the Bull is in Bulaeus iii. 310): nevertheless in 1266 William sent a remodeling of the same work to the Pope Clement IV. with the Title: *Collectiones catholicae et canonicae contra pericula imminencia Ecclesiae universali per hypocritas, pseudopraedicatores* etc. in Guil. opp. p. 111.

⁶ Thomae opusculum xix. contra impugnantes Dei cultum et religionem; and Bonaventurae lib. apologeticus in eos, qui Ordini FF. Min. adversantur. Ejusd. de paupertate Christi contra Mag. Guilelmum and so forth.

⁷ Compare the circular which he issued as general of the minorites

As the mendicant friars appealed to the continued charity of the people, so it was always their interest to endeavour by fables of every kind, to raise their order as high as possible in public opinion. The more they degenerated, the more their shamelessness in such pious frauds increased; thus they became the most active promoters of ecclesiastical superstition.

The Franciscans endeavoured partly by the most extravagant exaltation of their founder,⁸ partly by the Portiuncula-indulgence⁹ to enhance the importance of their order. The Dominicans

to all the chiefs of the order dd. Paris 23. April 1257 (in Wadding ad h. a. no. 10): Sane perquirenti mihi causas, cur splendor nostri Ordinis quodammodo obscuratur,—occurrit negotiorum multiplicitas, qua pecunia, nostri Ordinis paupertati super omnia inimica, avide petitur, et incaute recipitur, et incautius contrectatur. Occurrit quorundam fratrum otiositas, quae sentina est omnium vitiorum, qua plurimi sopiti, monstruosum quendam statum inter contemplativam [vitam] et activam eligentes, non tam carnaliter, quam crudeliter sanguinem comedunt animarum. Occurrit evagatio plurimorum, qui propter solatium suorum corporum gravando eos, per quos transeunt, non exempla post se relinquunt vitae, sed scandala potius animarum. Occurrit importuna petitio, qua omnes transeuntes per terras adeo abhorrent fratrum occursum, ut eis timeant quasi praedonibus obviare. Occurrit aedificiorum constructio sumptuosa et curiosa, quae fratrum pacem inquietat, amicos gravat, et hominum perversis judiciis multipliciter nos exponit. Occurrit multiplicatio familiaritatum, quam regula nostra prohibet, ex qua suspiciones, infamationes et scandala plurima oriuntur. Occurrit improvida commissio officiorum, qua fratribus nondum usquequaque probatis, nec carne maceratis, nec spiritu roboratis, imponuntur officia vix portanda. Occurrit etiam sepulturarum et testamentorum avida quaedam invasio, non sine magna turbatione Cleri, et maxime sacerdotum parochialium. Occurrit mutatio locorum frequens et sumptuosa cum quadam violentia et perturbatione terrarum, cum nota inconstantiae, non sine praejudicio paupertatis. Occurrit tandem sumptuositas expensarum. Nam cum fratres paucis nolint esse contenti, et caritas hominum refrigerit, *facti sumus omnibus onerosi, magisque flemus in posterum, nisi remedium celeriter opponatur.* Compare a German poet of the 13th cent. in the Wiener Jahrbüchern Bd. 32. (1825) s. 210.

⁸ See below § 70 note 1—3.

⁹ All his earlier biographers, even Bonaventura, are silent on this head: the earliest testimony is the deposition of two Franciscans, Benedict de Aretio and Raynerius de Mariano, before a notary on 31. Oct. 1277 (in Wadding ad h. a. § 19. Baluzii miscellan. iv. 490. Acta ss. Octobr. ii. 887.) that they had often heard a quodam sociorum v. Francisci, qui vocabatur frater Masseus de Marignano, quod ipse fuit cum b. Francisco apud Perusium, ante praesentiam

furnisht a new instrument of superstition in the Rosary.¹⁰ The

domini Papae Honorii, cum petivit indulgentiam omnium peccatorum pro illis, qui contriti et confessi convenirent ad locum sanctum Mariae de Angelis, qui alio nomine Portiuncula nuncupatur, prima die Kal. Augusti, a vespere dicti diei usque ad vespertas sequentis diei. Quae indulgentia cum fuisset tam humiliter quam constanter a b. Francisco postulata, fuit tandem a summo Pontifice liberalissime concessa: quamvis diceret ipse Pontifex, non esse consuetudinis apostolicae sedis, talem indulgentiam facere. Another Franciscan, Michael Angelus, adds to this in his statement (first brought forward by Mansi in his addition of Baluz. misc. ii. Acta ss. l. c. p. 892): Et cum b. Franciscus exiret a d. Papa, audivit post concessionem vocem dicentem: fili Francisce, scias, quod sicut haec indulgentia data est in terra, ita confirmata est in caelo. In every subsequent narrative the legend received fresh additions. Ubertinus de Casali (about 1312) in his Arbor vitae crucifixae lib. iv. c. 40. towards the end, writes: Cui etiam Ecclesiae [s. Mariae de Portiuncula] secunda die Augusti Virgo beatissima a filio suo obtinuit in caelis, et Franciscus a Papa in terris indulgentiam remissionis plenariae omnium peccatorum. After him in the writings of Theobald, Bishop of Assisi in 1327 (act. ss. l. c. p. 880) the business was ushered in by a vision: Cum staret b. Franciscus apud s. Mariam de Portiuncula, fuit sibi de nocte revelatum a Domino. quatenus ad summum Pontificem, dominum Honorium, qui pro tempore erat Perusii, accederet pro indulgentia impetranda pro eadem Ecclesia s. Mariae de Portiuncula etc. Francis goes, and the Pope after much negotiation grants his prayer. Tunc b. Franciscus inclinato capite egrediebatur de palatio. Dom. Papa videns eum abire, vocans eum, dixit: *O Simplicione, quo radis? Quid tu portus de huiusmodi indulgentia?* Et b. Franciscus respondit: *Tantum sufficit mihi verbum vestrum. Si opus Dei est, ipse suum opus habeat manifestare. De huiusmodi ego nolo aliud instrumentum, sed tantum sit charta b. Virgo Maria, notarius sit Christus, angeli sint testes* (a fine stratagem to account for the want of documentary evidence in later times.) At last the indulgence was solemnly announced by Francis in the presence of seven Bishops in Portiuncula: *Ego volo vos omnes mittere ad paradisum, et annuncio vobis indulgentiam, quam habeo ab ore summi Pontificis, et omnes vos, qui venistis hodie, et omnes qui venerint annuatim tali die, bono corde et contrito, habeant indulgentiam omnium peccatorum suorum.* In the letter of Conrad, Bishop of Assisi in 1335 (act. ss. l. c. p. 882. ss.) there is both a second vision of Christ with His Mother, and a second journey to the Pope etc. cf. act. ss. l. c. p. 879—919. Against works which appeared at Rheims in 1697 and Cologne in 1703 in contradiction of these fables, is directed Matth. Grouwels hist. crit. sacrae indulgentiae b. Mariae Angelorum, vulgo de Portiuncula, Antverp. 1726. On the other side is Cyprian d. J. (Jac. Danzer's) krit. Gesch. d. Portiuncula-Ablasses. 1794.

¹⁰ Ever since virtue was supposed to attach to frequent repetitions of forms of prayer, people naturally were in want of means for facilitating and securing the enumeration of them. Thus an Egyptian Monk, Paulus, before now, used to count his prayers, by the help of stones

Carmelites ever since they had united themselves to the mendicant orders and their policy, partook as well in their inward corruption,¹¹ as in their inclination to pious frauds. They availed themselves of their shadowy origin in the east (see § 67. note. 6, and § 68. note. 14) to create Elias their founder, the Holy Virgin a Carmelite nun, and therefore themselves *fratres b. Mariae de monte Carmelo*.¹² All mendicant orders encouraged the superstition that they guaranteed to all their members, even to those who took the cowl upon their death-bed, an earnest of sanctity.¹³

(Palladii hist. Lausiaca c. 23), Godiva, an English countess, about 1040 by a lace, which however is no evidence for the existence of the rosary, as an article in common use. Yet in the 13th cent. a medallion with sacred symbols on it, set round with knobs for counting, was in use. Rings also are found, furnished with such knobs all round (Hist. de l'acad. roy. des inscriptions et belles lettres xviii. 321.) Certainly Alanus de Rupe, a very fabulous Biographer of St Dominick, in the 15th cent. (acta ss. August. i. 364), deserves no credit, when he, the first to say so, represents this saint as preaching expressly for the rosary, for this style of preaching, first belongs, as the indulgences granted to prayers on a rosary do, to the 15th cent. Nevertheless since the rosary is first heard of among the Dominicans, and certainly as early as 1270, under the technical name of *Paternoster*; we may well believe that it belongs in an especial manner to this order, and is not much later in date than the order itself. About 1270 it is mentioned by name, with reference to a Dominican monk, Nicolas: *Pater noster, quod personatiler quatuor annis portaverat* (s. Quetif et Echard scriptt. Ord. Praedicatorum i. 411 comp. p. 852) Mabillon acta ss. Ord. Bened. saec. v. praef. p. lxxvi. Acta ss. Aug. i. 422.

¹¹ Nicolaus Narbonensis (in Flacii catal. test. : Gallus), in 1250 Vicar General of the Carmelites in the East, in 1265 General, struggled against this in vain, for this reason in 1270 he withdrew himself again into solitude, and launched against this corruption his *Sagitta ignea*, in which he calls his brethren of the order *cauteriati errores, fabulatores, garrulos, inutiles consiliarios, malignos discussores, Sodomaecives, optimi testamenti contemptores, praesentium et futurorum, seductores* s. Hist. littéraire de la France xix. 127.

¹² According to Papebrochius (act. ss. April. i. 794) after the Capitulum Aylesfordiense in 1215. This first Fable was afterwards followed by that of the Holy Scapulary.—On these proofs of sanctity the Carmelite order set so high a value, that it considered itself injured to the uttermost, when Papebrochius attacked them in that treatise (l. c. p. 774. ss.) and Innocent XII. in 1698 could only put an end to the violent interchange of pamphlets by commanding silence.

¹³ Thus the idea that the monastic vow had a like efficacy to baptism, which is found so early as in St Jerome (see vol. i., Part 2. § 95. note 22), was established. Thomas Aquin. Secunda Secundae qu. clxxxix.

It could not but happen that the interests of the different mendicant orders, coming into contact with each other as they did everywhere, should furnish occasion for discord amongst themselves. For instance, a lasting jealousy grew up betwixt the Franciscans and Dominicans,¹⁴ considerably increased by differences in doctrine which afterwards arose.

art. 3: Rationabiliter dici potest, quod etiam per ingressum religionis aliquis consequatur remissionem omnium peccatorum. Si enim aliquibus eleemosynis factis homo potest statim satisfacere de peccatis suis, secundum illud Daniel. iv., 27: *Peccata tua eleemosynis redime*; multo magis in satisfactionem pro omnibus peccatis sufficit, quod aliquis se totaliter divinis obsequiis mancipet per religionis ingressum, quae excedit omne genus satisfactionis, etiam publicae poenitentiae, ut habetur in Deer. xxxiii. quaest. 1. cap. Admonere: sicut etiam holocaustum excedit sacrificium, ut Gregorius dicit super Ezech. (hom. xx. a med.) Unde legitur in vitis Patrum (lib. vi. libello 1. num. 9), quod eandem gratiam consequuntur religionem intrantes quam consequuntur baptizati. Besides, the orders profited by the theory of the thesaurus supererogationis perfectorum, to promise their members an especial interest in the good works accumulated by their patron saints, see below § 84. note 19 and 20.

¹⁴ Matth. Paris ad ann. 1243 p. 611: Et ne mundus turbinibus undique multiplicatis vacare videretur, inter fratres Minores et Praedicatores controversia eisdem temporibus ventilata multos, eo quod viam perfectionis, videlicet paupertatis et patientiae, videbantur elegisse, movit in admirationem. Asserentibus enim *Praedicatoribus*, se fuisse priores et in hoc ipso digniores, habitu quoque honestiores, a praedicatione merito nomen et officium se sortiri, et apostolica dignitate verius insigniri; respondent *Minores*, se arctiorem vitam et humiliorem pro Deo elegisse, et ideo digniorem, quia sanctiorem, et ab Ordine Praedicatorum ad Ordinem eorum fratres posse et licenter debere, quasi ab inferiori ad Ordinem arctiorem et superiorem, transmigrare. Contradicunt eis in faciem *Praedicatores*, asserentes, quod, licet, ipsi Minores nudi pede et viliter tunicati, cinetique funiculis incedant non tamen eis esus carnum, etiam in publico, vel dicta propensior denegatur, quod fratribus est Praedicatoribus interdictum: quapropter non licet ipsis Praedicatoribus ad Minorum Ordinem, quasi arctiorem et digniorem, avolare, sed potius e converso. In the year 1255 the Generals of both orders united, probably by community of interest, against the university of Paris, issued an exhortation to peace (Wadding ad h. a. § 12), by which a fuller light is thrown on the points of difference: Proinde cavendum est, ne nostrum aliquis propriam adeo sequatur commoditatem, quo cum gravi turbatione aliorum loca nimis notabiliter eis vicina recipiant:—ne conceptum transcendendi ad alterutrum nostrorum Ordinum, quem aliquis invenerit in aliquo, debilitet vel extinguat, zelo ipsum attrahendi ad suum Ordinem: ne familiares et benefactores alterius Ordinis aliquis a sua devotione audeat avertere, et ad Ordinem suum

§ 70.

INTERNAL HISTORY OF THE FRANCISCAN ORDER.

The superstitious veneration of the Franciscans for their founder (Patrem Seraphicum)¹ as the restorer of the genuine evangelical life, the commencer of a new period, induced them soon after to recognize his life, as a representation of the life of Jesus,² and to convertere:—ne loca, quae aliqui pro domibus construendis accipere proponunt, praesentientes hoc alii caute surripiant, alios excludendo. Item ne eleemosynas quas devotio fidelium aliquibus facere proponit, alii impedian, ut ipsi habeant.—Item ne alii sermones impedian aliorum, vel auditores subtrahant, aut ipsos sermones sibi subripiant alternatim.—Cavendum est, ne quis nostrum sic sanctos suos, sic statum suum imprudenter extollat, quod in aliorum depressionem laus taliter fieri videatur. Item ne quis obloquatur de aliis, non solum coram multis in publicum, sed nec in clanculo coram externis, nec inter fratres proprios in secreto. Item ne, si sinistrum aliquid alii sciverint, aliis denudent, ubi nulla est utilitas nec fructus: ne quis mala sibi relata de aliis, facta vel dicta, vel injuriam aliorum leviter credat, vel hujusmodi inter fratres suos referat, et referendo aggravet, corda fratrum concitet etc. This treaty of peace was renewed in the year 1278 (Wadding ad h. a. § 25); but even this very circumstance shows how little effect it had.

¹ Among the fanaticisms of the first Franciscans there arose again a very coarse kind of the fanaticism of the *συμεισاکτοι*, see Raumer iii., 625, from the manuscript chronicle of Salimbeni, a Franciscan monk of the 13th cent. Compare Robert v. Arbrissel § 67. note 3.

² Sympathy with this notion appears even in the Life by Thomas Celanus, see above § 68. note 4 and 5. Thus lib. i. cap. 6. § 45: Deprecati sunt eum fratres tempore illo, ut doceret eos orare.—Quibus ipse ait: Cum orabitis, dicite: *Pater noster, adoramus te Christe* caet. § 48: Et quidem manifestis indiciis saepius hoc probant, et experti fuerant, occulta cordis eorum Patrem sanctissimum non latere.—Most remarkable are the sacra stigmata, the origin of which Thomas Celanus thus relates, lib. ii. cap. 1. § 94: Faciente ipso moram in eremitorio, quod a loco, in quo positum est, Aunna nominatur (all other authorities call it mons Alvernae), duobus annis antequam animam redderet caelo, vidit in visione Dei virum unum, quasi Seraphim, sex alas habentem, stantem supra, manibus extensis ac pedibus conjunctis cruci affixum.—Cogitabat sollicitus, quid posset haec visio designare.—Cumque liquido ex ea intellectu aliquid non perciperet, et multum ejus cordi visionis ejus novitas insideret; coeperunt in manibus et pedibus ejus apparere signa clavorum, quemadmodum paulo ante Virum sanctum supra se viderat crucifixum. According to Matth. Paris the wounds first appeared 14 days before his death, and vanished after it. The circum-

stance agrees well with that which happened about the same time in the case of a Marquis of Monteferrando, who, from devotion, stigmata domini Jesu in corpore suo portaverat, cum aliis poenitentiis, quas faciebat in memoriam passionis Domini, cum quibusdam clavis carnem suam singulis sextis feriis usque ad sanguinis effusionem configebat (Stephanus de Borbone in d'Argentré collectio judiciorum i. 85.) If Francis did the same, and privately from humility, one can readily understand how his admiring companions, when they discovered the stigmata, fell into such adventurous conjectures. This explains also how it was that the earliest accounts differ so much from each other. Gregory IX. nevertheless took those legends under his protection in three Bulls, bearing all the same date, ii. Kal. April 1237. In the first, ad universos Christifideles (Raynald. ann. 1237 § 60. Wadding. ad h. a.): Igitur cum id ab universis fidelibus credi firmiter cupimus devotionem vestram rogamus et hortamur in Domino Jesu Christo, in remissionem vobis peccaminum injungendo, quatenus ab assertione contrarii aures de caetero penitus avertentes. Confessorem eundem apud Deum pia vobis reddatis veneratione propitium cact. The second ad Episc. Olomucensem (in Wadding l. c. Rodericus l. c. p. 10), is a strong rebuke for the bishop who had published patentes literas exhibendas universis Christifidelibus, and asserted in them, quod, cum solus Patris aeterni filius fuerit pro humana salute crucifixus, et ipsius duntaxat vulnera devotione supplicii adorare debeat religio christiana, nec b. Franciscus, nec Sanctorum aliquis cum stigmatibus sit in Ecclesia Dei depingendus, et quod peccat contrarium asserens, nec illi, tamquam inimico fidei, credulitas adhiberi ulla debet. The third ad Priores et Provinciales Ordinis fratrum Praedicatorum (in Rodericus and Wadding ll. cc. The last writer from delicacy gives the title merely ad Superiores ejusdam sacri Ordinis), was issued against a Dominican monk, who, cum pervenisset Opaviam, Moraviae civitatem,—in communi dicere non expavit, quod in laudem b. Francisci per quosdam ex discipulis suis pie proposita deberent haberi pro reprobis, quod in ejus corpore stigmata non fuissent.—Dicti fratris elatio in tantam prorupit insaniam, quod discipulos memoratos coram populo quaestuarios et falsos praedicatores appellans, impudenter asseruit, quod in ipsos et consimiles auctoritate nostra excommunicationis posset sententiam promulgare. cf. Act. ss. Octobr. ii. 648. The Dominican Jacobus de Voragine (about 1290) recognizes the reality of the sacra stigmata but explains them in a remarkable manner (sermo iii. d. s. Francisco in sermonibus de Sanctis.) Quinque fuerunt in corde ejus, quae fuerunt causa stigmatum in ejus corpore. Primum fuit vehemens imaginatio. Quod autem imaginatio imprimat, patet per duo exempla, quae ponit Hieronymus in glossa Gen. xxx. Unum est, quod, dum quaedam mulier Aethiopem peperisset, et ex hoc a viro suspecta haberetur; inventum est, hoc sibi accidisse ex quadam imagine Aethiopis, quam ipsa conspexit. Aliud exemplum est, quod cum quaedam mulier filium parentibus omnino dissimilem peperisset, et ex hoc suspecta haberetur; inventum est, quod talis imago in cubiculo habebatur. Dicit enim Philosophus in libro de animalibus, quod, cum quaedam gallina gallum vicisset, gallinae ex imaginatione victoriae crista et calcaria sunt exorta.

appropriate to him the ancient prophecies;³ and this mistaken determination continually assumed a more imposing shape in their order.⁴

Sanctus ergo Franciscus in visione sibi facta imaginabatur Seraphim crucifixum, et tam fortis imaginatio extitit, quod vulnera passionis in carne sua impressit. The four remaining causes vehemens dilectio, v. admiratio, v. meditatio, v. compassio, follow next. This is the same that Meyer in the *Blättern für höhere. Wahrheit* vii. nro 5, says, that pious men by lively faith and imagination may experience in their own body something of the wounds of Christ.

³ *Bonaventura in vita Francisci in prologo*: Apparuit gratia Dei Salvatoris nostri diebus istis novissimis in servo suo Francisco omnibus vere humilibus et sanctae paupertatis amicis, qui superadfluentem in eo Dei misericordiam venerantes, ipsius erudiuntur exemplo,—Christo conformiter vivere.—Hic etenim, quasi stella matutina in medio nebulae, claris vitae micans et doctrinae fulgoribus, sedentes in tenebris et umbra mortis irradiatione praeifulgida direxit in lucem; et tanquam arcus refulgens inter nebulas gloriae, signum in se dominici foederis repraesentans, pacem et salutem evangelizavit hominibus, existens et ipse angelus verae pacis. Secundum imitatoriam quoque similitudinem Praecursoris destinatus a Deo, ut viam parans in deserto altissimae paupertatis, tam exemplo quam verbo poenitentiam praedicaret: primum supernae gratiae praeventus donis, dehinc virtutis invictae adauctus meritis, prophetali quoque repletus spiritu, necnon et angelico deputatus officio, incendioque seraphico totus ignitus, et ut vir hierarchicus curru igneo sursum vectus, sicut ex ipsius vitae decursu luculenter apparet, rationabiliter comprobatur venisse in spiritu et virtute Eliae. Ideoque alterius amici sponsi, Apostoli et Evangelistae Joannis, vaticinatione veridica sub similitudine angeli, ascendentis ab ortu solis, signumque Dei vivi habentis, adstruitur non immerito designatus. Sub apertione namque sexti sigilli, *Vidi*, ait Joannes in Apocalypsi [7, 2] *alterum angelum ascendentem ab ortu solis, habentem signum Dei vivi*. Hunc Dei nuncium amabilem Christo, imitabilem nobis, et admirabilem mundo, servum Dei fuisse Franciscum, indubitabili fide colligimus caet.

⁴ Compare particularly the arbor vitae crucifixae by the Minorite Ubertinus de Casali (about 1312) libb. v. ed. Venetiis 1485. fol.) in lib. Vtus especially cap. 3: Abundantibus in fine quinti [*status s. temporis*] jumentis lasciviae, reptilibus avaritiae, bestiis superbiae, et his omnibus tota deturpata conversatione Ecclesiae peregrinae:—[*Jesus*] ultimam citationem ad Ecclesiam quinti temporis destinavit, suscitans in medio ejus viros veritatis excelsae, cupiditatem exstirpantes, voluptatem exterminantes,—ac Christum Jesum singulariter prae cacteris imitantes: qui et exemplo suae vitae fortissime arguerunt deformatam Ecclesiam, et verbo praedicationis excitaverunt plebem ad poenitentiam, et argumento defensionis confuderunt pravitatem haeticam, et patrocinio orationis placaverunt iram divinam. Inter quos in typo Heliæ et Linoch Franciscus et Dominicus singulariter claruerunt, quorum

On this account the strict Franciscans (spirituales or zelatores) regarded with greater pain the mitigation of the rule of poverty, considered by them so sacred. Brother Elias had commenced this even in the lifetime of Francis, and ever since there had always been a strong party in favour of it in the order.⁵ Now that the Popes by their interpretation of the rule decided in favour

primus seraphico calculo purgatus, et ardore caelico inflammatus totum mundum incendere videbatur, secundus vero ut Cherub extentus et protegens lumine sapientiae clarus et verbo praedicationis secundus super mundi tenebras clarius radiavit.—Quia vero totum malum quinti temporis fuit in depravatione vanitatis multiplicis, quae ex cupiditate et abundantia temporalium trahit fomentum: ideo ille, qui temporalia radicalius a se et a suo statu exclusit, ille principalis dicitur hujus temporis reformator. Et quia in ipso sextus status Ecclesiae inchoatur, in quo debet esse reformatio Christi vitae: ideo potest dici, quod ipse per illum primum hominem figuratur, quem Deus deliberato consilio post quinque dierum opera fecit ad imaginem similitudinis suae, ut cunctis temporibus dominetur.—Ideo ad istum singulariter convertemus sermonem, cui et singularius potest dici, quod ipse fuit signaculum similitudinis vitae Christi tam *vestigio conversationis*, quam *fastigio contemplationis*, quam *prodigio admirationis*, quam etiam *privilegio consignationis vulnerum* passionis sacratissimae Jesu Christi. He goes through these four points one after another. On the third he says: Tertio fuit similis hic evangelicus vir Franciscus benedicto Jesu prodigio admirationis, unde convenit sibi illud Eccles. xlv. (Sirac. 45, 21): *Similem illum fecit in gloria Sanctorum*. Gloria Sanctorum in hac vita est claritas miraculorum, in quibus b. Franciscus Jesu similis singulariter fuit.—Hic sicut Jesus aquam in vinum convertit, panes multiplicavit, et de navicula in medio fluctuum maris miraculose immota, per se a terra abducta, docuit turbas audientes in littore. Huic omnis creatura quasi ad nutum videbatur parere, ac si in ipso esset status innocentiae restitutus. Et ut caetera taceam: caecos illuminavit; surdos, claudos, paralyticos, omnium infirmitatum generibus laborantes curavit; leprosos mundavit; daemones effugavit; captivos eripuit; naufragis succurrit, et quam plures mortuos suscitavit. In quibus omnibus vix est inventus similis illi, qui tot miraculis in vita et in morte claruerit, jam a statu Ecclesiae primitivae. And at the end: Fuit ergo Filio Dei similis, non similitudine aequalitatis, qua Lucifer esse voluit similis altissimo Esai. xiv.; sed similitudine conformitatis, qualis est similitudo addiscentis ad instructentem, acquiescentis ad consulentem, obedientis ad imperantem, imitantis ad exemplantem.—Sed ultra has similitudines fuit in Francisco corporalis consignationis singularitas, ut propter singularitatem incommunicabilem, et primis temporibus inexpertam, possit de Deo admixtive interrogare personas: *Quis similis Deo in filiis Dei?*

⁵ Pragm. Gesch. der vornehmsten Mönchsorden ii. 288.

of this party, which was most useful for their purposes,⁶ the discontent of the spiritualists broke out against the Roman See. Accordingly many of them embraced with greater zeal the works of Joachim, Abbot of Flore († 1202),⁷ whose lamentations over the corruption of the Church, as well as his prophecies of an approaching renovation,⁸ they thought had found their complete fulfilment in the rise and destiny of their order.

⁶ The Bull of Gregory IX. *Quo elongati* of the year 1231 (in Rodericus p. 7 ss.) determines that the will of Francis could not be binding, *quod sine consensu fratrum, et maxime ministrorum,—obligare nequivit, nec successorem suum quodammodo obligavit, cum non habeat imperium par in parem.* 2. In reference to cap. 4 of the Rule (see above, § 68, note 6): *si rem necessariam velint fratres emere, vel solutionem facere pro jam empta, possunt vel nuncium ejus, a quo res emitur, vel aliquem alium, volentibus sibi eleemosynam facere—praesentare. Qui taliter praesentatus a fratribus, non est eorum nuncius, licet praesentatur ab ipsis, sed illius potius, cujus mandato solutionem facit, seu recipientis eandem. Idem nuncius solvere statim debet, ita quod de pecunia nihil remaneat penes eum. Si vero pro aliis eminentibus necessitatibus praesentetur, eleemosynam sibi commissam potest,—apud spiritualem amicum fratrum deponere, per ipsum loco et tempore pro ipsorum necessitatibus, sicut expedire viderit, dispensandam.* 3. On chapter 6 of the Rule: *Dicimus, quod neque in communi, nec in speciali debent proprietatem habere; sed utensilium, et librorum, et eorum mobilia, quae licet habere, eorum usum habeant; et fratres, secundum quod generalis minister vel provinciales duxerint, iis utantur: salvo locorum et domorum dominio illis, ad quos noscitur pertinere.* The Bull of Innocent IV. *Quanto studiosius: ad Generalem et Provinciales Ministros fratrum Minorum* of the year 1245 (in Rodericus p. 13) lays down that, *ad sedem apostolicam rerum ipsarum spectat proprietas, et allows them thus much, ut singulis vestrum liceat in provinciis eis commissis—constituere aliquos viros idoneos Deum timentes, qui pro locorum indigentia singulorum res hujusmodi, tam concessas, quam etiam concedendas, auctoritate nostra petere, vendere, et commutare, alienare, tractare, expendere, permutare, et in Fratrum usum convertere valeant; quodque vobis liceat eosdem viros sic constitutos remove, aliosque ad illa exequenda sine difficultate qualibet subrogare, quoties videbitur opportunum.*

⁷ Concerning him see especially *Acta SS. Maji T. vii. p. 89 ss.* to the 29th May. Engelhardt's *kirchengeschichtl. Abhandlungen*, Erlangen 1832, s. 32.

⁸ On his writings compare *Acta SS. l. c. p. 103. 129 ss.* Especially *De Concordia utriusque testamenti libb. v.: Expositio Apocalypsis* (prod. Venet. 1519); *Psalterium decem chordarum* (prod. Venet. 1527. 4). Besides *Comm. in Jeremiam* (Venet. 1525. Colon. 1577. 8); in *Isaiam* (Venet. 1517. 4); in *Ezechielem, Danielelem* etc. Extracts from his prophecies are to be found in *Wolfii lectiones memorab. i. 443*, for instance p. 489: *Apoc. 17. Mulier auro inaurata indifferenter cum*

Thus there rose up among the strict Franciscans a party of Apocalyptic enthusiasts, who not only declared the state of the Church at that time to be corrupt, but also regarded the whole work of Christ as nothing more than a preparation for a more perfect period of the Holy Ghost. When these views first came forth fully develope in the *Introductorius in Evangelium æter-*

terrae principibus fornicatur. Romana Ecclesia ista est, quæ in Babylonem vitæ confusione transfusa moechatur. p. 491: Quam vero longe sit omnis moderna religio a forma primitivæ Ecclesiæ, ex multis intelligi potest. p. 493 (from the Comm. in Jerem. on Jer. iii. 6—10): per Israel intelligitur Ecclesia Græcorum, et per Juda Ecclesia Latinorum, quarum prima dicitur adversatrix, secunda vero prævaricatrix: nam aliud est averti a fide, et aliud est prævaricari in opere. Ibid. (on Jerem. iv. 5 ss.): propter malitiam clericorum et Praelatorum terram corrumpentium sorde sua, justo Dei judicio permittitur, Leonem i. e. Imperatorem Alemanniæ ascendere contra Ecclesiam Latinam, qui eam desolatam faciet et absque habitatore, scilicet Praelatis et cultoribus fidei, et Ecclesiam vastabit incredibili contritione.—Ecclesia Latina et Romana graviora quam Græca passura est in proximo, quia nequiora commisit. p. 494 (ad Jer. 8): a. b. Gregorio usque ad hæc tempora, in quibus revelandus est novus ordo prædicantium in Jeremia designatus, nemo comparuit, qui populum Domini erudiret, vel recte ingrederetur ad Evangelium veritatis. (Ad Jer. xii): auferetur regnum a malis Praelatis, et auctoritas et potestas prædicandi, et dabitur genti facienti fructum dignum poenitentia, ut quod dicunt ore etiam opere compleant. p. 496 (ad Jer. xviii): in diebus istis novissimis, in quibus cadet superbia Praelatorum ambulantium in deliciis, et cathedrae doctorum carnalium subvertentur, et erunt viri seu rivi annunciatore Evangelii circumquaque per totam Ecclesiam generalem fortes in fide, veraces in doctrina et vita. Concerning the prophecies which the mendicant orders appropriated to themselves, see acta SS. l. c. p. 140 ss. Many of their applications may be real, such as that in Concordiæ lib. iv. c. 39: Necesse est, ut succedat similitudo vera apostolicæ vitæ, in qua non acquirebatur possessio terrenæ hæreditatis, sed vendebatur potius cæct. Others however are evidently forged or interpolated, such as comm. in Isaiam cap. 13: In ducatu isto (Spolefino) et in territorio Hispano duo Ordines, ac si stellæ lucidæ, orientur ad prædicandum regni Evangelium. On his tres Status see acta SS. l. c. p. 142 ss., e. g. Concordiæ lib. ii. tract. 1. c. 5: Aliud tempus fuit, in quo vivebant homines secundum carnem, hoc est usque ad Christum, cujus initiatio fuit in Adam (elsewhere: status conjugatorum, sub tempore legis, in quo præcesserunt significantia); aliud in quo vivebant inter utrumque, h. e. inter carnem et spiritum, usque ad præsens tempus (elsewhere: status secundus s. status clericorum, qui fructificavit in Christo, qui verus est Rex et sacerdos: In this state are significantia et significata), aliud; in quo vivitur secundum spiritum usque scilicet ad finem mundi, cujus initiatio a diebus b. Benedicti (elsewhere:

num,⁹ which made its appearance at Paris in the year 1254, they tertius status s. status monachorum, ejus praezellens claritas exspectanda est circa finem, in quo amotis significantibus sequuntur tantummodo significata.) Concordiae lib. ii. tract. 2. c. 4: Scimus, quod primus Ordo, qui institutus est primo, vocatus est ad laborem legalium praeceptorum; secundus, qui institutus est secundo, vocatus est ad laborem passionis; tertius, qui procedit ex utroque, electus est ad libertatem contemplationis.

⁹ The author was long unknown. The contemporaries Matthew Paris ann. 1256 p. 939, and Richerius in chron. Senonensi lib. iv. c. 37 (in d'Achery spicileg. ii. 645) attributed it to the preaching friars. However under this name at that time, the mendicant orders in general, as well as the Franciscans, were understood, because these, in contradistinction to the earlier orders, were bound to preach, see Jacobus de Vitriaco above § 68. note 7: Guilelmus de s. Amore § 69. note 5. The internal evidence of the book points to the Franciscans: and so, according to the precedent of Nicolaus Eymericus (about 1356) in Directorio Inquisitorum p. ii. qu. 9. no. 4 Joannes Parmensis, General of the Franciscans from 1247 to 1256 was universally considered as the author (cf. Oudini de scriptoribus eccles. iii. 240) notwithstanding the disclaimer of the Franciscans (Wadding ann. 1256 no 31): He in fact was called in question by his successor Bonaventura on account of his predilection for Joachim. (Wadding l. c. no. 6.) However Jac. Echardus scriptor, Dominic. i. 202 s. discovered in the Actis ms. processus in Evangelium aeternum, of the Sorbonne, that frater Gerhardus was the author, the same man who as friend of Johannes Parmensis was arrested with him, and had to pass 18 years in prison as a decided follower of Joachim (Wadding l. c. no. 5).—With regard to the title of the book, it was denoted by Alexander IV. in his brief (in Bulaei hist. Univ. Paris. 292. 293. 302.) as libellus quidam, qui in Evangelium aeternum seu quosdam libros Abbatiss Joachim Introductorius dicebatur; Richerius l. c. liber quidam Evangeliorum; Matthaeus Paris l. c. Evangelium aeternum; and le Roman de la Rose (in Bulaeus l. c. p. 299) l'évangile perdurable.—The Evangelium aeternum was not as Mosheim institt. hist. eccles. p. 523 note c. thinks, a book attributed to Joachim: but it was properly speaking the doctrine of Joachim i.e. the promulgation of the status tertius, in which Christendom should receive its eternal accomplishment; the writings in which that prediction was contained were the works of Joachim and the Introductorius. Comp. Guil. de s. Amore de periculis noviss. tempor. c. 8: Jam sunt anni lv., quod aliqui laborant ad mutandum Evangelium Christi in aliud Evangelium, quod dicunt fore perfectius, melius et dignius, quod appellant Evangelium Spiritus sancti s. Evangelium aeternum: quo adveniente evacuabitur, ut dicunt, Evangelium Christi, ut parati sumus ostendere in illo Evangelio maledicto.—Illa doctrina, quae praedicabitur tempore Antichristi, videlicet Evangelium aeternum, Parisius, ubi viget sacrae Scripturae studium, jam publice posita fuit ad explicandum anno Dom. 1254. Ricobaldus Ferrariensis (about 1300) hist. Pontiff. Rom. ad ann. 1254 (in Eccardi corp. hist. med. aevi i. 1218) thus states the purport

were indeed zealously controverted by the Parisian theologians, and condemned (1255) by Alexander IV.:¹⁰ nevertheless that

of the Introductorius: asserebat, Evangelium Christi—evacuari debere, et debere inchoari *doctrinam Joachim, quam conditor libri Evangelium aeternum nominavit*. Thomae Aquin. opusc. xix. contra impugnantes religionem c. 24: quidam jam Christi Evangelium mutare conantur in quoddam aliud Evangelium, quod dicunt aeternum—Hoc autem Evangelium, de quo loquuntur, est quoddam introductorium in libros Joachim compositum, quod est ab Ecclesia reprobatum, vel etiam ipsa doctrina Joachim, per quam, ut dicunt, Evangelium Christi mutatur. Engelhardt's kirchengesch Abhandl. s. 1.

¹⁰ The University of Paris sent, in the year 1254 extracts from the Introductorius to Rome: whereupon in 1255 Alexander IV. charged the Archbishop of Paris (Bulaeus iii. 292. 293. 302.), quatenus libellum ipsum et omnes scedulas supradictas (because in it multa, quae in libello non continebantur eodem, nequiter sibi adscripta fuisse *dicuntur*) auctoritate nostra facias aboleri, generalem excommunicationis sententiam proferens in omnes eundem libellum et scedulas ipsas habentes, nisi infra certum terminum, quem ad hoc praefixeris, illa duxerint penitus abolenda. Nevertheless extracts have been preserved from the Introductorius, without doubt the above mentioned scedulae, which were cried down as untrue by the Franciscans only. cf. Excerpta pertinentia ad librum, quod Evangelium aeternum inscribitur in C. du Plessis d'Argentré collectio judiciorum de novis erroribus I, 163. The most remarkable part of this work, Hermannus Cornerus a Dominican in Lubeck about 1435, has adopted word for word in his Chronicon (in Eccardi corpus histor. medii aevi II, 849) afterwards however he makes additions from some other quarter. The most remarkable errors are the following; Quod circa millesimum ducentiesimum annum Incarnationis dominicae exivit Spiritus vitae, de duobus testamentis ut fieret Evangelium aeternum.—Quod liber Concordiarum—appelletur primus liber Evangelii aeterni. Et quod liber iste Concordiae sit Joachim. Just so the Apocalypse nova, liber secundus, and Psalterium X choridarum, tertius.—Comparat vetus Testamentum claritati stellarum, novum claritati lunae, Evangelium aeternum s. Spiritus sancti claritati solis. Item comparat vetus Testamentum Sanctuario, novum Sancto, aeternum Sancto Sanctorum. Item dicit, Evangelium aeternum esse spirituale, Evangelium Christi literale; et quod Evangelium aeternum est illud, de quo Jerem. 31, 33. Dabo legem meam etc.—Quod alia est Scriptura divina, quae data est fidelibus eo tempore, quo Deus Pater dictus est operari; et alia, quae data est Christianis eo tempore, quo Deus Filius dictus est operari; et alia, quaedam erit eo tempore, quo Spiritus sanctus proprietatis Mysteriorum Trinitatis operabitur.—Quod tertius status mundi, qui proprius est Sancti Spiritus, erit sine aenigmate et sine figuris.—Unde [Apostolus] dicit (1. Cor. xiii. 9. 10): *Ex parte cognoscimus, ex parte prophetamus: cum autem venerit, quod perfectum est* etc. Quasi dicat: Tunc cessabunt omnes figurae, et veritas duorum Testamentorum sine velamine apparebit.—Quod, sicut in principio primi status apparuerunt tres magni viri, scil. Abraham, Isaac et Jacob,

apocalyptic party continued to maintain its ground in the Franciscan order.

The new interpretation of the rule of St Francis, which Nicolas III. issued in the year 1279,¹¹ only raised up new zealots;

quorum tertius, scil. Jacob habuit xii : et, sicut in principio novi apparuerunt tres, scil. Zacharias, Johannes Baptista, homo Christus Jesus, qui similiter secum habuit duodecim ; sic in principio tertii erunt tres similes illorum, scilicet vir indutus lineis [Joachim], et Angelus quidam habens falcein acutam [Dominicus], et alius Angelus habens signum Dei vivi [Franciscus]. Et habebit similiter Angelus XII, inter quos ipse fuit unus, sicut Jacob in primo, Christus in secundo.—Quod Evangelium aeternum traditum sit et commissum principaliter illi Ordini, qui integratur et procedit aequaliter ex Ordine laicorum et clericorum,—quem Ordinem appellat Independentium.—Quod novum Testamentum, sicut vetus, evacuandum est.—Quod novum Testamentum non durabit in virtute sua, nisi per sex annos proxime futuros, scilicet usque ad annum 1260.—Quod adveniente Evangelio Spiritus sancti, sive clarescente opere Joachim, quod dicitur Evangelium aeternum s. Spiritus sancti, evacuabitur Evangelium Christi.—Quod spiritualis intelligentia novi Testamenti non est commissa Papae Romano, sed tantum intelligentia literalis.—Et per hoc datur intelligi, quod Ecclesia Romana non habet judicare de spirituali intelligentia novi Testamenti. Et, si judicat, temerarium est judicium ejus, et non est acquiescendum ejus judicio, quia Ecclesia Romana literalis est, et non spiritualis.—Quod Papa Graecus magis ambulat secundum Evangelium, quam Papa Latinus.—Et per hoc datur intelligi, quod magis est propinquus statui salvandorum, et quod magis adhaerendum est ei, quam Papae Romano, sive Ecclesiae Romanae. Also the Council of Arles in the year 1260 (see d'Argentré l. c. p. 166 ss. Mansi xxiii. 1002) condemns in Can. 1. the errors of the Joachimitici, which were explained in the Praefatio praesertim cum in partibus provinciarum, quibus — praesidemus, jam plurimos etiam literatos hujusmodi phantasiis intellexerimus eatenus occupatos et illectos, ut plurima super iis commentaria facta descripserint, et de manu ad manum dando circumferentes, ad externas transfuderint nationes.

¹¹ In the Bull Exiit (in Sextus Decretall. lib. v. tit. 12. c. 3) with reference to the earlier explanations of Gregory IX. and Innocent IV. (above, note 6.) Especially on cap. 6 of the Rule : Abdicatio proprietatis hujusmodi omnium rerum non tam in speciali, quam etiam in communi propter Deum meritoria est et sancta, quam et Christus, viam perfectionis ostendens, verbo docuit et exemplo firmavit.—Nec his quisquam putet obsistere, quod interdum dicitur Christum loculos habuisse. Nani sic Jesus Christus, cujus perfecta sunt opera, in suis actibus viam perfectionis exercuit, quo interdum infirmorum imperfectionibus condescendens, et viam perfectionis extolleret, et imperfectorum infirmas semitas non damnaret,—Egit namque Christus et docuit opera perfectionis, egit etiam infirma, sicut interdum et in fuga patet et loculis etc. Still now follows the explanation : Cum in rebus temporalibus

Their chief, Peter John Olivi († 1297),¹² and his commentary on

sit considerare praecipuum proprietatem, possessionem. usumfructum, jus utendi, et simplicem facti usum; et ultimo tamquam necessario egeat, licet primis carere possit, vita mortalium: nulla prorsus potest esse professio, quae a se usum necessariae sustentationis excludat. Verum concedens fuit ei professioni, quae sponte devovit Christum pauperem in tanta paupertate sectari, omnium abdicare dominium, et rerum sibi concessarum necessario usu fore contentam. Nec per hoc, quod proprietatem usus, et rei cujusque dominium a se abdicasse videtur, simplici usu omnis rei renunciasse convincitur, qui, inquam, usus, non juris sed facti tantummodo nomen habens, quod facti est tantum, in utendo praebet utentibus nihil juris: quinimmo necessarium rerum — moderatus usus — concessus est Fratribus — durante concedentis licentia — Ad haec cum Fratres ipsi nihil sibi in speciali adquirere, vel eorum Ordini possint etiam in communi; — omnium utensilium et librorum, ac eorum nobilium praesentium et futurorum, quae et quorum usumfructum scilicet Ordinibus vel Fratribus ipsis licet habere, proprietatem et dominium (quod et fel. record. Innocentius P. iv. praedecessor noster fecisse dignoscitur) in nos et Romanam Ecclesiam plene et libere pertinere hac praesenti constitutione, in perpetuum valitura, sancimus. Among the other explanations compare also, Licet autem contineatur in Regula, quod Fratres habeant unam tunicam cum caputio, et aliam sine caputio: — declaramus, quod possint Fratres de licentia ministrorum et custodum conjunctim et divisim in administrationibus sibi commissis, cum eis videbitur, — uti pluribus, nec per hoc videantur a Regula deviare: cum etiam in ipsa dicatur expresse, quod ministri et custodes de infirmorum necessitatibus, et Fratribus induendis sollicitam curam gerant, secundum loca et tempora et frigiditas regiones.

¹² Concerning him see Oudin. de scriptt. eccles. iii. 584. Olivi was indeed several times examined by the officers of his order because he censured the mitigation of the rule (see Wadding ann. 1282 no. 2. 1283 no. 1. 1285 no. 5. 1290 no. 11. 1292 no. 13); and his defence on his first examination in the year 1283 is still extant (in d'Argentré collectio judiciorum i. 226), in which he disclaims one by one the errors charged upon him. Here, however, his apocalyptic dreams are nowhere brought forward. His postilla in Apocalypsin was first mentioned in the apology for him by Ubertinus de Casali about the year 1297; and so it appears to have been written by him late in life. He has left behind him his opinion on the poverty prescribed by the rule, in a Profession composed on his deathbed (in Wadding ann. 1297 no. 33. and Bulaei hist. Univ. Paris. iii. 535): *Dico* abdicationem omnis jurisdictionis temporalis, et pauperem rerum usum esse de substantia vitae nostrae evangelicae. Pauperem vero usum hunc ita explico, ut omnibus consideratis censeatur potius pauper quam dives, seu declinet potius ad paupertatem, quam ad opulentiam. *Dico* etiam, quod defendere pertinaciter transgressiones paupertatis, et imperfectiones Regulae contrarias tamquam bonas, vel cogere ad eas Fratres, persequendo illos, qui Regulae puritatem observant, peccatum est mortale, a quo non

the Apocalypse, in which, along with the above mentioned fanatical expectations, the most biting censure against the Popes found utterance,¹³ met with many adherents in the order, and

excusat crassa vel affectata ignorantia *Dico 3*, quod eo gravius est introducere hujusmodi relaxationes in universum corpus religionis, quam peculiare quosdam ad easdem allicere etc. *Dico 4*, notabiles excessus in aedificiis—, pro quibus construendis multiplices et importuni fiunt quaestus, periculosos esse. *Dico 5*, litigare vel causas movere coram iudicibus circa funeralia, aut legata pia nobis relicta, impuritas est maxima contra Regulam: neque obstat, quod per saeculares seu Fratrum amicos haec fiant; si tamen Fratres eos ad hoc excitaverint, sumptus aut scripturas ministraverint.—Idemque censendum est de iis, qui procurant suis monasteriis annuos redditus, et determinatas vel statutas sub singulis annis provisiones, praevenientes nimia solitudine omnes necessitates etc.

¹³ Of his *Postilla super Apocalypsi* there are only those sixty articles remaining, on which eight doctors of theology gave in their judgment to Pope John XXII., in Baluzii miscellan. i. 213, in particular p. 214: Quantum ergo ad primum, qui scilicet sint septem status Ecclesiae in his visionibus descripti, sciendum, quod *primus* est fundationis Ecclesiae primitivae in Judaismo sub Apostolis factae. *Secundus* fuit probationis et confirmationis ejusdem per martyria.—*Tertius* fuit doctrinalis expositionis fidei rationabiliter confutantis et convincentis insurgentes haereses. *Quartus* fuit anachoreticae vitae.—*Quintus* fuit vitae communis, partim zeli severi, partim condescensivi sub Monachis et Clericis temporales possessiones habentibus. *Sextus* est renovationis evangelicae vitae, et expugnationis antichristianae, et finalis conversionis Judaeorum et gentium, seu iteratae reaedificationis Ecclesiae simul primae. *Septimus* vero, prout spectat ad vitam istam, est quaedam quieta et mira participatio futurae gloriae, ac si caelestis Jerusalem videatur descendisse in terram: prout tamen spectat ad aliam vitam, est status generalis resurrectionis, et glorificationis Sanctorum, et finalis consummationis, omnium.—*Sextus* vero [*status*] aequaliter coepit a tempore b. viri Patris nostri Francisci. Plenius tamen debet incipere a damnatione Babylonis meretricis magnae, quando praefatus angelus Christi signo signabit per suos futuram malitiam [leg. militiam cf. Apoc. 7, 3] Christi. *Septimus* autem uno modo inchoat ab interfectione illius Antichristi, qui dicit se Deum et Messiam Judaeorum. Alio modo inchoat ab initio extremi iudicii omnium reproborum et electorum.—p. 221: Sicut etiam in sexta aetate rejecto carnali Judaismo et vetustate prioris saeculi venit novus homo Christus cum nova lege, vita et cruce: sic in sexto statu rejecta carnali Ecclesia et vetustate prioris saeculi renovabitur Christi lex, et vita, et crux. Propter quod in ejus primo initio Franciscus apparuit, Christi plagis characterizatus, et Christo totus conerucifixus et configuratus.—p. 228 on Apoc. 6, 12: patet Franciscum vere esse angelum apertionis sexti signaculi.—p. 229: Est adhuc notandum, a quo tempore debeat sumi initium hujus sextae apertionis. Videtur enim quibusdam, quod ab initio Ordinis et Regulae s. Patris praefati; alii vero, quod a solenni revelatione tertii status generalis, continentis sextum et septimum statum Ecclesiae, facta

after his death with an ardent defender in his likeminded pupil Ubertinus de Casali.¹⁴

Abbati Joachim et forte quibusdam aliis sibi contemporaneis; alii vero, quod ab exterminio Babylonis et Ecclesiae carnalis per decem cornua bestiae i. e. per decem Reges fiendo; alii vero, quod a suscitatione spiritus seu quorundam ad spiritum Christi et Francisci, tempore quo ejus Regula est a pluribus nequiter et sophistice impugnanda et condemnanda ab Ecclesia carnalium et superborum, sicut Christus condemnatus fuit a Synagoga reproba Judaeorum. Hoc enim oportet praeire temporale exterminium Ecclesiae, sicut illud praeivit exterminium Synagogae.—p. 235 on Apoc. 6, 12: Tunc enim totus status Ecclesiae in Praelatis et plebibus et religiosis funditus subvertetur, praeter id quod in paucis electis (namely the Minorites) remanebit occulte.—Est enim tunc nova Babylon sic judicanda, sicut fuit carnalis Hierusalem, quia Christum non recepit, immo reprobavit et crucifixit. On Apoc. 7, 2: Hic ergo angelus est Franciscus, evangelicae vitae et Regulae sexto et septimo tempore propagandae et magnificandae renovator, et summus post Christum et ejus matrem observator.—p. 236: Audivi etiam a viro spiritali valde fide digno,—quod b. Franciscus in illa pressura tentationis Babylonicae, in qua ejus status et Regula quasi instar Christi crucifigetur, resurget gloriosus; ut sicut in vita et in crucis stigmatibus est Christo singulariter assimilatus, sic et in resurrectione Christo assimiletur, necessaria tunc suis discipulis confirmandis, et informandis, sicut Christi resurrectionis fuit Apostolis confirmandis necessaria.—p. 248: Sicut enim—Apostoli—senserunt, non se ita prosperaturos seu prospere piscaturos in terra Judaeorum, sicut in mari paganorum, sic et iste angelus sentiet, non se ita prosperari in carnali Ecclesia Latinorum, sicut in Graecis et Sarracenis et Tartaris et tandem in Judaeis.—p. 257 on Apoc. 16, 10: Sicut post quatuor animalia, quatuor primos status Sanctorum designantia, sublimata est generalis sedes Romanae Ecclesiae, caeteris patriarchalibus s. orientalibus Ecclesiis a Christo et ab ejus vera fide resectis, sic in eodem quinto tempore post quatuor bestias a Daniele visas, quatuor primis Sanctorum ordinibus contrarias, sublimata est sedes bestiae i. e. bestialis catervae, ita ut numero et potestate praevaleat et fere absorbeat sedem Christi, cui localiter et nominaliter est commixta. Unde et sic appellatur Ecclesia fidelium, sicut et illa, quae vere est per gratiam sedes et Ecclesia Christi.—Per hanc autem sedem bestiae principaliter designatur carnalis clerus in hoc quinto tempore regnans et toti Ecclesiae praesidens, in quo quidem bestialis vita praeexcellenter et singulariter regnat et sedet sicut in sua principali sede, et longe plus quam in laicis et plebibus sibi subjectis.—p. 260: Unde et quidam putant, quod tam Antichristus mysticus quam proprius et magnus erit Pseudo-Papa caput Pseudo-prophetarum etc.—p. 261 on Apoc. 17, 1: Nota quod haec mulier stat hic pro Romana gente et imperio, tam prout fuit quondam in statu paganismi, quam prout postmodum fuit in fide Christi, multis tamen criminibus eum hoc mundo fornicata. Vocatur ergo meretrix magna, quia a fidei cultu et a sincero amore et deliciis Dei Christi, sponsi sui, recedens adhaeret huic saeculo, et divitiis, et deliciis ejus, et diabolo propter ista etc.

Under Celestine IV. indeed the internal discord of the Franciscans seemed to be removed, when this Pope (1294) united the spiritualists in a society of their own, called the Celestine-Eremites.¹⁵ But Boniface VIII. abolished it again (1302), persecuted the spiritualists as heretics and schismatics,¹⁶ and thus prepared the way for their complete secession from the order and the Church.¹⁷ (Fratricelli.)

§ 71.

BEGUINS.

Corn. Smetius de Begginis in J. Ghesquieri et C. Smetii acta SS. Belgii selecta T. V. (Bruxell. 1789. 4.) p. 93. J. L. a Mosheim de Beghardis et Beguinibus commentarius. ed. G. H. Martini. Lips. 1790. Dr E. Hallmann's Gesch. d. Ursprungs d. belgischen Beghinen, Berlin 1843.

From the end of the 12th century there grew up in many towns of the Netherlands societies of ladies (Beguinæ Begutæ),¹

¹⁴ See an extract from his Apology for Olivi, for which in 1317 under John XXII. he also was called to account (Baluz. miscel. i. 293), in Wadding ann. 1287, no. 36 ss. But also in the Arbor vitæ crucifixæ all the Apocalyptic ideas of Olivi are brought forward again: and in lib. v. c. 1 whole passages of his Postilla in Apocal. are quoted word for word. About the same time the Franciscan Jacobus de Benedictis or Jacoponus, the author of the Sequence, Stabat mater dolorosa, had to atone for his undisguised censure of Boniface VIII. by a severe imprisonment (Wadding. ann. 1293 no. 24 ss. 1306 no. 7 ss. Mohnike kirchen- u. literarhist. Studien I. ii. 335.)

¹⁵ Pauperes Eremitæ Domini Coelestini. Cf. Raynaldus ann. 1294 no. 26. Wadding ann. 1294. no. 9. The persecutions they suffered from the rest of the Franciscans may be seen *ibid.* 1301 no. 1.

¹⁶ Wadding ann. 1302 no. 7. 8. 1307 no. 2 ss.

¹⁷ An accusation was also brought against Ubertinus de Casali in 1317 (see note 14) Baluz. i. 305), *quod fuit defensor, sectator, et fautor Fratricellorum dicentium et tenentium quod a tempore Coelestini Papæ non fuit in Ecclesia Papa verus*, et plures alios errores.

¹ On the reasons see Mosheim, p. 133. On the numerical disproportion of the two sexes caused by the crusades, and its consequences, see Sprengel's Gesch. d. Arzneikunde 3te Aufl. ii. 522.—There has always been a commonly received opinion in Liege, that the Beguins were instituted there about the year 1180, by a certain priest Lambert le Bègues or le Bèghe, and called after his name. So says even Aegidius

who free from monastic vows and monastic constraint, lived a life of devotion according to a rule which established only neces-

mon. Aureae Vallis, who wrote about the year 1230 *gesta Pontificum Leodiensium*, c. 52 (in J. Chapeavilli *gesta Pontiff. Tungrensium, Trajectinensium et Leodiniensium* ii. 126): Cum hujusmodi erroribus irretita jam teneretur Legia,—suscitavit Deus spiritum sancti cujusdam sacerdotis,—qui Lambertus le Begues, quia balbus erat, de s. Christophoro dicebatur, a cujus cognomine mulieres et puellae, quae caste vivere proponunt, Beguines gallice cognominantur, quia ipse primus extitit, qui eis praemium castitatis verbis et exemplo praedicavit. Thus also says Henricus Gueldrus, Bishop of Liege, in a letter to the Beguines of Tongres in the year 1266, (in B. Fisen *sancta Legia*, s. hist. Eccl. Leodiensis, p. 409): Attendentes, qualiter haec sancta religiosarum puellarum et matronarum, quae Beguinae vocantur, plantatio—jam dudum in civitate et diocesi Leodiensi prima pullulavit. et palmites suos longe lateque producens, paene per totum orbem flores protulit: gaudemus in Domino dictas nostras civitatem et diocesin propter hoc ubique locorum magnis laudibus praeconiorum attolli. Startling indeed is the expression of Thomas Cantipratensis, who lived in Louvain and Cambray, in his *bonum universale de apibus* (written about 1260) lib. ii. c. 51: Circa annum incarnationis dominicae MCCXXVI res mirabilis accidit in oppido Nivellensi. In hac urbe, ut pluribus adhuc viventibus notum est, mulierum devotarum, quae Beghinae dicuntur, nunc late diffusa per orbem religiositas inchoavit. Harum perplures, quae magis spirituales erant, igne sacro acriter sunt accensae, et hoc in membris tantum, in quibus magis peccaverant. The miraculous cures in the church of St Gertrude, are then related as the res mirabilis. However the founding of the Beguinages in Bruges, Valenciennes, Douay and Dendermonde took place before 1226, all of these could not have been unknown to Thomas. So in that passage he must be speaking of the establishment of Beguines in Nivelles, and not generally of the first institution of the order. In much later time, in consequence of the similarity of the names, there grew a popular opinion, that the Beguines were an institution of St Begga, the daughter of Pepin von Landen, and mother of Pepin Heristal. After the beginning of the 17th century many Beguinages in Brabant began to honour this canonized princess of Brabant as their foundress, whilst others, especially that of Liege, stood firm to Lambert le Begue, and thus was engendered a hot controversy on this head, see Hallmann S. 25 and 125. Certain documents, the earliest of the year 1065, seem to decide against Lambertus, they appear to prove the existence of a Beguinage in Vilvorde near Brussels before his time. Erycius Puteanus, Professor at Louvain, first published these de Begginarum apud Belgas instituto et nomine, Lovan. 1630. 4 (in Hallmann S. 47.) By the publication of these documents, others also, who refused to acknowledge St Begga as the foundress, were induced to refer the institution to an earlier date than Lambert's, and to search for another derivation of the name. In the *Actis Sancti*

sary ordinances, in small houses adjoining a court (*Beginagium*),² and maintained themselves from their own property and the labour of their hands. Not long after there rose foundations of a similar character for noble ladies (*Canonissae saeculares*).³ During the 13th century the *Beguinae* increased in the Netherlands, Germany and France to a wonderful degree;⁴ and

April. iii. 872 the name *Beghine* is derived from the old Saxon *beggen* *betteln* (to beg, begging, beggar):—however the *Beguines* in the Netherlands, where at all events the name arose, did not beg. For this reason Mosheim, p. 98, takes the word *beggen* in the signification of praying (as in *Ulphilas* *bidgan* or *bedgan* is used), and explains *Beguines* as praying-sisters. On the other side: 1. This signification of *beggen* cannot be authenticated as the Low-Dutch of the middle ages; and 2. How comes a German root to have a termination that is not German? Hallmann S. 51 has lately proved the *Vilvorde* document to be spurious, and so the derivation from *Lambertus le Bègue*, and the origin of the un-German form *Beguine* in the French speaking *Liege*, will remain as the most likely.

² See Mosheim, p. 34; also *Vineae* *ibid.* p. 141, or *Beguiñarum curiae* p. 146. 172. On the regulations of the *Beguinages* see Mosheim p. 147. Hallmann S. 11.

³ *Jacobus de Vitriaco* about 1220 in his *hist. Orient. et Occident.* lib. ii. c. 31, writes of them as abundant in Germany and Brabant: *Canonicae saeculares s. Domicellae appellant, non enim Moniales nominari volunt.*—*Nonnisi filias militum et nobilium in sua Collegia volunt recipere.* Many of them even married *relictis Praebendis et Ecclesiis*. Thus also *Boniface VIII* (*Sext. Decret. lib. i. tit. vi. c. 43, § 5*) speaks of monasteries, *ubi sunt juxta quarundam provinciarum consuetudinem mulieres, quae nec propriis renunciant, nec professionem faciunt regularem, sed vivunt ut in saecularibus Ecclesiis canonici saeculares.* Cf. *Thomassinus P. i. lib. iii. c. 63, § 6 ss.* Even these were sometimes called *Beguinae*, Mosheim p. 13 ss. *Theodorus Engelhusius* († 1434) in his *Chronicle in Leibnit. scriptt. rer. Brunsv.* ii. 1072, attributes to the Emperor *Henry I.* the first establishment of such secular foundations for women; *fundavit in Almania ultra XX Ecclesias, quas et abundanter dotavit, pro dominabus saecularibus, quae Canonicae nominantur, utentes habitu Canoniorum regularium Ord. s. Augustini, nullam tamen profitentes religionem, nubentes in Domino, quando volunt.* *Inventae sunt autem pro sustentatione nobilium pro fide Christi ab infidelibus occisorum, ne talium filiae cogerentur mendicare etc.* However this very reason points to the age of the crusades; during the same time many of the more ancient monasteries, as *Quedlinburg*, adopted the freer constitution of chapters.

⁴ *Matth. Paris* ad ann. 1250 p. 805: *In Alemannia mulierum continentium, quae se Beguinās volunt appellari, multitudo surrexit innumerabilis, adeo ut solam Coloniam mille vel plures inhabitarent.* In like manner ad ann. 1243 p. 611. On the foundation of the earliest

there rose also societies of the same kind for men (Beguni Begharden.)⁵ As they were exposed in an unprotected state to many persecutions,⁶ most of them deemed it advisable to suffer themselves to be adopted into the tertiary orders of the Franciscans and Dominicans.⁷

But when the Beguins, after the example of their spiritual guides, addicted themselves to vagrant mendicancy on the Rhine and in France: not only did the secret teachers of heresy, as they wandered from place to place, avail themselves of this, to assume likewise the appearance of Beghards; but also many Beghards fell an easy prey to them by reason of their contemplative cast of mind and their want of education.⁸ Thus the name Beguin or Beghard, by which at first a high degree of devotion to the Church in laymen was distinguished,⁹ fell into ill

Beguinages, see Hallmann S. 11; in Flanders see Warnkönig's *flandr. Staats- u. Rechtsgesch.* i. 421.

⁵ According to J. B. Gramaye *antiquitt. Brabantt.* p. 31, ann. 1215, Mosheim p. 168. The earliest house known is that of Louvain in the year 1220, *ibid.* p. 175 ss. In France they are called also *Boni Pueri*, or *Boni Valeti*, *ibid.* p. 36 ss.

⁶ Mosheim p. 139 ss.

⁷ Bonaventura in *Libellus apologet. in eos, qui Minoribus adversantur* qu. 6 already calls the Tertiaries of the Franciscans, simply Beguines, Mosheim p. 38, 58, 172, 173. So also the Tertiaries of the Dominicans are called in Italy, for instance in a Bull of John XXII. in the year 1326, in *Federici istoria de' Cavalieri gaudenti* vol. ii. app. p. 91: *esse plures mulieres Beghuinas vulgariter nuncupatas, seu de poenitentia b. Dominici, in Lombardiae et Tusciae partibus*; and at the same time in *Marsilii Ficini defensor pacis* P. ii. c. 8: *laicos quosdam, quos in Italia Fratres gaudentes, alibi vero Beguinos appellant.*

⁸ Conc. Mogunt. ann. 1259 in *Mansi* xxiii. 998: *Statuimus, quod secta et habitus, nec non conventicula Beguardorum, clamantium per plateas et vicos civitatum, oppidorum et villarum hoc vulgare: Brot durch Gott, et quae aliae singularitates a s. Dei Ecclesia non receptae, sint penitus reprobati; et mandatur universis Plebanis,—ut eosdem Beguardos publice tribus diebus dominicis vel festivis admoneant, ut hujusmodi singularitatibus derelictis se teneant sicut alii Christiani, et quod non praedicent in cavernis vel in aliis locis secretis, et non conveniant cum Beguinis, se conformantibus eisdem in moribus, habitu et incessu: alioquin extra parochias suas eos expellant. Idem etiam de Beguinis pestiferis statuimus.*

⁹ Robertus de Sorbona (about 1250) in his *iter Paradisi* (*Bibl. Patr. Lugd.* xxv. 362): *Aliquis incipit agere poenitentiam, irridetur ab aliquo, qui dicit: iste est Beguinus.*

repute, and became a denomination of wandering Heretics.¹⁰ In Germany it was fastened especially upon the sect of the Free Spirit,¹¹ in France on the heretical Franciscans and their adherents.¹² Accordingly in these countries decrees were issued against the Beguins,¹³ whilst in the Netherlands they continued free from such degeneration, and were protected.¹⁴

¹⁰ The name also was carried back into earlier times with this signification. So Godfrey (Monk of St Pantaleon in Cologne about 1237) in his *Chronica s. Pantaleonis* calls the Albigenenses Beguini (Mosheim p. 52), and in the vita Johannis ii. Episc. Magalonensis (Gallia christiana v. 755) we find: *Petro Beguino ejusque asseclis anno 1176 inopia dogmata spargentibus etc.*

¹¹ For instance the *secta liberi spiritus* was introduced into Swabia and Cologne after the middle of the 13th cent. by their means. Mosheim p. 198 ss. See below § 90. note 31.

¹² The first trace is Conc. Biterrense ann. 1299 can. 4 (Mansi xxiv. 1216): *Cum—ad nostram notitiam sit delatum, quod ad suggestionem quorundam, inter quos nonnulli fuerint, qui dicebantur plurimum literati, quorum aliqui fore nosebantur de religione laudabili, non immerito inter religiones caeteras approbata, ponentium os in caelum, et manus ad vota extendentium, praedicantium multis finem mundi instare, et jam adesse vel quasi tempora Antichristi, novosque poenitentiae modos et abstinentias vestiumque colores utriusque sexus personis suggerentium, et nihilominus virginitatis ac castitatis vota recipientium a pluribus ex eisdem, ad hoc suis exhortationibus prius tractis, quae vota a pluribus violata fuisse noscuntur: quam plures utriusque sexus ad novae superstitionis cultum pertracti fuerint, Beguini seu Beguinac vulgariter appellati, qui conventualia prohibita facientes, et frequentes de nocte officium praedicationis verbi Dei temere usurparunt, in suam excusationem fictitiae praetendentes, quod non praedicant sed loquuntur de Deo se invicem consolantes, et quasdam novas observantias custodire conantur, a communi ritu caeterorumque fidelium discrepantes, e quibus nonnulla scandala sunt suborta, et non modica pericula huic provinciae, quam haereticos olim publice frequentasse est certum, nec dubium est, licet clam. adhuc ab aliquibus frequentari, imminere noscuntur. Sacro igitur approbante Concilio prohibemus cultum superstitionis praefatae—ulterius observari etc. cf. Mosheim p. 206 ss.*

¹³ Conc. Colon. ann. 1306 (Mosheim p. 211) against the Begardi et Begardae, et Apostoli vulgariter appellati,—quaestum publicum via prohibita vindicantes, victualia manibus quaerere, prout consueverant, non curando. Conc. Trevir. ann. 1310 (Mosheim p. 235): *qui sub praetextu ejusdam religionis fictae Begardos se appellant, cum tabardis et tunicis longis, et longis capuciis cum otio intendentes, ac labores manuum detestantes, conventicula inter se aliquibus temporibus faciunt et conservant, seque fingunt coram personis simplicibus expositores sacrarum Scripturarum,—mendicantes discurrunt.*

¹⁴ Compare the decrees of Innocent IV. in the year 1245, in favour

§ 72.

ECCLESIASTICAL ORDERS OF KNIGHTHOOD.

Chivalry, which under the influence of the Church, particularly during the Crusades, had assumed its peculiar form,¹ graspt with especial zeal the idea, that battle with the infidels was the highest of all deeds of piety, and the surest method of effacing sin. Whilst orders of chivalry grew up, uniting this meritorious activity with the monastic life, the pinnacle of all Christian perfection, so as to make the deprivations of the monastic state more tolerable by the love of arms, and work out their salvation; they were quite in keeping with the character of the age, which attacht as much importance to good works as to gallant deeds.

It was the year 1119 when nine knights at Jerusalem first constituted themselves into an ecclesiastical order of knighthood (*Fratres militiae templi*, *milites* or *equites Templarii*), under Hugh de Payens (de Paganis) as grand master (*magister militiae*).² St Bernard quickly spread through the western

of the Beguines in Mechlin and Diest, of Cardinal Hugo in 1254 for those of Brussels, of Urban IV. in 1261 for those of Liege, Mosheim p. 140. However the Council of Liege in 1287 decreed (Mosheim p. 133), *quod omnes Beghinae, privilegio Beghinali gaudere volentes, intrent curiam Beghinarum, et praecepimus commorantibus extra curiam Beghinarum, quod distinguant habitum suum ab habitu Beghinarum.*

¹ J. B. de la Curne de St Palaye *mémoires sur l'ancienne chevalerie*, T. 3 Paris 1759—81 8 (translated into German by J. C. Klüber 3 Bde, Nürnberg 1786—91. 8.) *Leben und Dichten Wolfram's v. Eschenbach, von San-Marte* (Regierungsrath Schulz, 2 Bde. Magdeburg 1836. 41), Bd. 1. *Einleitung.*

² *Willelmus Tyrensis lib. xii. c. 7* (in Bongarsii *gesta Dei per Francos* i. 819) *Jacobi de Vitriaco hist. Hieros.* c. 65 (l. c. p. 1083.) — *Histoire des Templiers* par P. du Puy. Paris 1650. 4, most fully Brussels 1751. 4. K. G. Anton's *Verf. einer Gesch. des Tempelherrenordens*. 2e Aufl. Leipz. 1781. 8. *Histoire crit. et apologetique des Chevaliers du Temple de Jérusalem*, par feu le R. P. M. J. (le Jeune, Prieur de l'Abbaye d'Estival.) Paris 1789. 2 voll. 4. (abridged in German: *Die Ritter des Tempels zu Jerus.* Leipz. 1790. 2 Bde. 8.) W. F. Willeke's *Gesch. des Tempelherrenordens*. Leipz. 1826. 27. 2 Bde. 8. Wilken's *Gesch. d. Kreuzzüge*. ii. 546. Raumer's *Gesch. d. Hohenst.* i. 487.

world the fame of these new monkish nights.³ They received from the Synod of Troyes in 1128 the sanction of the Church, and a rule drawn up by St Bernard;⁴ and increased wonderfully fast in numbers and in wealth.⁵

This example first animated the brethren of the Hospital of St John in Jerusalem⁶ (*Fratres hospitalis S. Joh.*) who had lived

³ So early as 1125 in epist. 31, he speaks in praise of the entrance of Count Hugo of Champagne into this order. But especially see his tractatus de nova militia s. exhortatio ad milites templi (opp. ed. Mabillon. iv. 98) and also his later epistles, e.g. ep. 173. 392.

⁴ The *Regula pauperum commilitonum Christi templique Salomonici* (prim. ed. A. Miraeus in chron. Cisterciensi. Colon. 1614. p. 43, and from this frequently, e.g. in Lucae Holstenii codex Regularum ed. Brockie ii. 429. in Mansi xxi. 359) cannot have assumed its present form till 1172, see Münter's Statutenbuch s. 6 ff. Wilken ii. 558, note. Afterwards the order imposed on itself at its general chapters special rules, which being intended in the first place for the officers of the order, were only partially made known to the rest of the knights, so far as was necessary for each in his own sphere. A collection of these made between 1247 and 1266, was first brought to light in a translation in Fr. Münter's Statute Book of the order of the Templars, vol. i. Berlin 1794, but is now published in the original: *Règle et statuts secrets des Templiers*, publiés par C. H. Maillard de Chambure, Paris 1840. 8.—Beside the regular knights there belonged also to the order, Capellani—Brothers at arms (*armigeri*, frères servans d'armes), and craftsmen (*famuli*, frères servans de mestier.)

⁵ Bernardi tract. de nova militia cap. 5: Haec Jerosolymis actitantur, et orbis excitatur. Audiunt insulae, et attendunt populi de longe, et ebulliunt ab Oriente et Occidente tamquam torrens inundans gloriae gentium, et tamquam fluminis impetus lactificans civitatem Dei. Quodque cernitur jucundius, et agitur commodius, paucos admodum in tanta multitudo hominum illo confluere videas, nisi utique sceleratos et impios, raptores et sacrilegos, homicidas, perjuros, adulteros: de quorum profectione sicut duplex quoddam constat provenire bonum, ita duplicatur et gaudium, quandoquidem tam suos de suo discessu lactificent, quam illos de adventu, quibus subvenire festinant. Prosunt quippe utrobique, non solum utique istos tuendo, sed etiam illos jam non opprimendo. Itaque lactatur Aegyptus in profectione eorum, cum tamen de protectione eorum nihilominus laetetur mons Sion, et exultent filiae Judae. Illa quidem se de manu eorum, ista magis in manu eorum liberari se merito gloriatur. Illa libenter amittit crudelissimos sui vastatores, ista cum gaudio suscipit sui fidelissimos defensores; et unde ista dulcissime consolatur, inde illa aeque saluberrime desolatur. Sic Christus, sic novit ulcisci in hostes suos, ut non solum de ipsis, sed per ipsos quoque frequenter soleat tanto gloriosius, quanto et potentius triumphare etc.

⁶ Concerning their origin after the year 1018, see Willelm. Tyr. lib. i.

under a rule of their own ever since the year 1099, under their second warden (*Custos* or *Procurator*) Raymond du Puy (de (Podio)⁷ to unite such chivalrous activity with their former calling;⁸ and as the latter was thrown more and more into the back ground by the former, they were transformed from their olden state as ministers of the sick, into *Milites hospitalis S. Joannis Hierosolymitani*, or *Hospitalarii*, under a *Magister hospitalis*.⁹

Both orders, favoured by Papal privileges,¹⁰ quickly attained

c. 10. xviii. c. 4 ss. Jac. de Vitriaco c. 64. Wilken ii. 539. Raumer i. 485.—L'histoire des Chevaliers hospitaliers de s. Jean de Jérusalem par l'Abbé de Vertot. Paris (1726. 4 voll. 4.) 1761. 7 voll. 8. Gesch. d. Maltheserordens nach Vertot von N. (Niethammer.) Jena 1792. 2 Th. 8.

⁷ In 1118 Raymund gave the Society a more comprehensive rule (in Holstenius-Brockie ii. 445), in which, however, there is no mention made of knighthood.

⁸ Jac. de Vitriaco c. 65 towards the end; *Praedicti autem hospitalis Fratres ad imitationem Fratrum militiae Templi armis materialibus utentes, milites cum servientibus in suo collegio receperunt.* The year is not known. So early as 1130 Innocent II. says in a Bull with which he confirmed the institution (in Veriot i. 586): *Fratres ejusdem domus, non formidantes pro fratribus suis animas ponere, cum servientibus et equitaturis ad hoc specialiter deputatis et propriis sumtibus retentis, tam in eundo quam redeundo ab incursibus Paganorum defensant.*

⁹ In the rule of 1118 Raymund styles himself still, *Custos hospitalis Jerosolymitani*, and in a document of 1130 (in Andr. de Dandolo chron. in Muratori scriptt. rer. Ital. xii 276) he subscribes himself *Procurator hosp. Hieros.*

¹⁰ The privileges of the knights of St. John are collected in the Bull of Anastasius IV. *Christianae fidei religio* dd. xii. Kal. Nov. 1154 (in Mansi xxi. 780.) They are sub. b. *Petri tutelâ*, they may build on their lands, *Ecclesias, oratoria, and cœmeteria: quicumque in vestra fraternitate fuerit receptus, si forte Ecclesia, ad quam pertinet, a divinis officiis fuerit prohibita, eumque mori contigerit, eidem sepultura ecclesiastica non negetur.*—*Si qui Fratrum vestrorum ad recipiendum fraternitates et collectas a vobis missi ad aliquam civitatem, castellum, vel vicum advenerint, si forte locus ille a divinis officiis sit interdictus, —in eorum jucundo adventu semel in anno aperiantur Ecclesiae, et exclusis excommunicatis divina ibi officia celebrentur.*—*De laboribus, quos vestris sumptibus colitis, nullus omnino clericus, vel laicus decimas a vobis exigere praesumat.* Statuimus, ut nulli Episcopo in Ecclesiis vobis subditis interdicti, suspensionis vel excommunicationis sententiam liceat promulgare. Verumtamen si generale interdictum fuerit in locis illis prolatum, exclusis excommunicatis et nominatim interdictis, clausis januis, absque campanarum pulsatione, plane divina officia celebrentur. The order was allowed to have of its own clericos et sacerdotes. Idem

regal possessions and power : but just as quickly military roughness with monastic ignorance and selfishness were introduced in the place of their earlier enthusiasm. Continually divided by the clashing interests of their orders, and not unfrequently at open war with each other,¹¹ they fought more for the honour and advantage of their orders than for the Holy Land. They abused the privileges of their order, to set at defiance the rights of Bishops ;¹² they thought they discharged its duties by purely

vero clerici nulli personae extra vestrum capitulum, nisi Romano Pontifici, sint subjecti, and so forth. Alexander III. granted the same privileges, often in the same words, in the Bull *Omne datum optimum* dd. vii. Idus Jan. 1162 (in *Rymeri foedera et acta publica inter Reges Angliae et alios Principes* Vol. i. P. i.) also to the Templars.

¹¹ So early as 1179 a peace had to be negotiated between them by Alexander III., see Wilcke *Gesch. d. Tempelh.* 1, 82.—There was open war between the two orders at Acre from 1241 to 1243 (the same author s. 177.) The overthrow of the Templars in the year 1259 is recorded by Matth. Paris p. 987, Wilcke i. 201 (compare the quarrels of the mendicant orders among themselves, § 69 note 14.)

¹² Concerning the Templars Willelm. Tyr. writes about 1180 lib. xii. c. 7 : *Quorum res adeo crevit in immensum, ut hodie trecentos plus minusve in conventu habeant equites, albis chlamydibus indutos, exceptis Fratribus, quorum paene infinitus est numerus. Possessiones autem tam ultra, quam citra mare adeo dicuntur immensas habere, ut jam non sit in orbe christiano provincia, quae praedictis Fratribus bonorum suorum portionem non contulerit ; et regis opulentis pares hodie dicantur habere copias.—Qui cum diu in honesto se conservassent proposito, professioni suae satis prudenter satisficientes, neglecta humilitate—domino Patriarchae Hierosolymitano, a quo et Ordinis institutionem et prima beneficia susceperant, se subtraxerunt, obedientiam ei, quam eorum praedecessores eidem exhibuerunt, denegantes : sed et Ecclesiis Dei, eis decimas et primitias subtrahentes, et eorum indebite turbando possessiones, facti sunt valde molesti.* (On the most remarkable grants see Wilken ii. 561. *Schlosser III. i. 183.*) Of the Hospitallers Willhelm. Tyr. xviii. c. 3. complains that they, even under Raymond, tam domino Patriarchae, quam caeteris Ecclesiarum Praelatis, multas tam super parochiali jure, quam super jure decimationum coeperunt inferre molestias : nam—excommunicatos—ad divinorum celebrationem—recipiebant.—Ob enormia vero commissa, si quando silentium Ecclesiis universis—imponeretur, hi primum et campanarum pulsatione et vociferatione solito majore interdictos populos ad divina vocabant.—Sacerdotes suos nec admittentes—locorum Episcopis praesentabant, nec abicientes—hoc notum faciebant Episcopis. De praediis autem suis, et universis redditibus—omnino decimas dare negabant.—Insuper quotiescunque de more dominus Patriarcha, ut ad populum loqueretur, ad locum, in quo mundi Salvator pro salute nostra pendit (the

warlike qualifications. Hence the frequent complaints of the time on the immorality, faithlessness, and pride of these knights

Church of the Holy Sepulchre, opposite to which the Hospitallers were quartered).—*ascendebat, ipsi—pulsatis campanis tot, tantis, tam studiose, et tam diu, ut nec domini Patriarchae sermo sufficeret ad clamandum, nec populus eum, licet multum laborantem, audire mereretur.*—*Usque ad eam temeritatem—pervenerunt, ut armis correptis, tamquam in domum alicujus gregarii, irrumperent in praedictam Deo amabilem Ecclesiam, et sagittas tamquam in speluncam latronum jacularentur multas.*—*Hujus autem tanti mali primitivam originem Romana Ecclesia, licet fortasse nesciens, nec multo ponderans libramine, quid ab ea peteretur, diligenter considerantibus videtur intulisse: nam locum praedictum a domini Patriarchae Hierosolymitani jurisdictione, cui diu et merito subjacuerat, emancipavit indebite: ut nec ad Deum timorem, nec ad homines, nisi quos timent, habeant reverentiam.* The Patriarch Fulcherius travelled in person to Rome in 1155 to complain of this, but he met with a haughty repulse, Willelm Tyr. l. c. cap 6—8. Then cap. 7: *Papa muneribus infinitis corruptus in partem Hospitalariorum dicebatur se dedisse proclivem, qui jam ad eum multo ante praevenierant.* At last Alexander III. listened to the universal complaints, Conc. Lateran. iii. ann. 1179 c. 9 (Mansi xxii. 222): *Fratrum et Coëpiscoporum nostrorum vehementi conquestione conperimus, quod Fratres templi et hospitalis, alii quoque religiosae professionis, indulta sibi ab apostolica sede excedentes privilegia, contra episcopalem auctoritatem multa praesumant, quae et scandalum generant in populo Dei, et grave pariunt periculum animarum. Proponunt enim, quod Ecclesias recipiunt de manibus laicorum, excommunicatos et interdictos ad ecclesiastica sacramenta et sepulturam admittant, in Ecclesiis suis praeter eorum conscientiam et instituunt et amoveant sacerdotes, et Fratribus eorum ad eleemosynas quaerendas euntibus, cum indultum sit eis, ut in adventu eorum semel in anno Ecclesiae aperiuntur, atque in eis divina celebrentur officia, plures ex eis de una sive diversis domibus ad locum interdictum saepius accedentes, indulgentia privilegiorum in celebrandis officiis abutuntur, et tunc mortuos apud praedictas Ecclesias sepelire praesumunt. Occasione quoque fraternitatum, quas in pluribus locis faciunt, robur episcopalis auctoritatis enervant, dum contra eorum sententiam sub aliquorum privilegiorum obtentu munire cunctos intendunt, qui ad eorum fraternitatem volunt accedere et se conferre.* So also Innocentii III, lib. x. ep. 121 ad Magistrum milit. templi ann. 1208: *cupiditatis aestibus anhelantes non declinant mendacia, dum utentes doctrinis daemoniorum, in cujuscunque trutanni (truand vagabond) pectore Crucifixi signaculum imprimunt, et cum eis ad praedicandum euntes, onusti pondere peccatorum, jam non curant quasi longam restem addere peccata peccatis, asserentes, quod quicumque, duobus vel tribus denariis annuis collatis eisdem, se in eorum fraternitatem contulerint, carere de jure nequeant ecclesiastica sepultura, etiamsi fuerint interdicti: ac per hoc adulteri, usurarii manifesti, et alii criminosi, suppositi ecclesi-*

particularly the Templars.¹³ After the conquest of Ptolemais

astico interdicto, ex hujusmodi insolentia in eorum cimiteriis quasi fideles et catholici tumulantur. The case was the same with the Hospitallers, see Gregorii IX. ep. below note 13.—King Henry III. of England address the Magister hospitalis to his face (Matth. Paris ann. 1252 p. 854): Vos praelati et religiosi, maxime tamen Templarii et Hospitalarii, tot habetis libertates et chartas, quod superfluae possessiones vos faciunt superbire, et superbientes insanire. Revocanda sunt igitur prudenter, quae imprudenter sunt concessa, et revocanda consulte, quae inconsulte sunt dispersa. And he answered him stoutly: Quam diu justitiam observas, rex esse poteris: et quam cito hanc infregeris, rex esse desines.

¹³ How much these orders preferred their own interest to that of the Church, the Templars showed in 1155, when they delivered up Nazareth to his enemies for 60,000 gold florins, though he was on the point of becoming a Christian, Guil. Tyr. xviii. 9. When the ambassador, by whom the old man of the mountain intended to negotiate with King Almerick his accession to Christendom, was put to death by a Templar in 1173, and thereby the whole design frustrated: common opinion laid the blame of the deed on the whole order, which had drawn an annual tribute from the assassins, Guil. Tyr. xx. 31. Willeke Gesch. der Tempel. i. 71.—Innocent III. writes of the Templars (lib. x. ep. 121 ad Magistrum Milit. Templi) in 1208: Proh dolor, jam non moderate utentes mundo velut religiosi homines propter Deum: sed ut suas impleant voluptates, religionis imagine utuntur solummodo propter mundum. Et cum debuissent aliis esse odor vitae in vitam, facti sunt odor mortis in mortem. He declares that per haec et alia nefanda, quae ideo plenius exaggerare subsistimus, ne cogamur gravius vindicare, apostolicis privilegiis, quibus tam enormiter abutuntur, essent merito spoliandi. When the Hospitallers supported the Greek Emperor John Vatazes, against the Latin Empire at Constantinople, Gregory IX. writes ad Magistrum hospitalis (in Raynald. ann. 1238 no. 32): Dolemus et turbati referimus, quod, sicut intelleximus, vos meretrices in vestris casalibus sub certis appactionibus retinentes incontinententer vivitis, et proprium praesumentes improprie possidere, eorum, qui confratrem vestram assumunt, datis in annis quatuor aut pluribus denariis, defensores vos facitis, ac latrones et interfectores peregrinorum, et haereticos in vestris domibus et casalibus receptatis; Vaticinio Dei et Ecclesiae inimico in equis et armis, terris propter hoc et casalibus ab ipso receptis, praebere contra Latinos auxilium non veremini; consuetas pauperum eleemosynas diminuitis, testamenta et alias ultimas voluntates in hospitali vestro decedentium non sine falsitatis vitio immutatis, ac infirmantes ibidem aliis sacerdotibus, quam fratribus vestris et capellanis conductitiis, quos habetis, non permittitis sine vestra speciali licentia confiteri; alia plura committentes enormia, per quae Deus offenditur, et scandalum in populo generatur. *Ceterum plures ex fratribus vestris de haeresi probabili haberi dicuntur ratione suspecti.* The Emperor Frederick II. ad Richard. Com. Cornubiae (in Matth. Paris ann. 1244 p. 619), writes of the Templars: Tempa-

in 1291, they first withdrew to Cyprus: Then the Hospitalers (1309) established themselves in Rhodes: The Templars however betook themselves to their possessions in the west, and made Paris their principal abode.

In imitation of these great orders, the war with the Moors on the Peninsular of the Pyrenees in the 12th century, brought into being other lesser orders of ecclesiastical knighthood, which for the most part stand in a remarkable connection with the Cistercians.¹⁴

riorum superba religio, et aboriginarium terrae Baronum deliciis educata, superbit.—They had advanced so far, ut Soldanos Damasci et Cracey—in suum praesidium contra Choerminorum exercitum ac Soldani (Babyloniae)—advocarent inhonestis eodem blanditiis; adeo quod, prout nobis per nonnullos religiosos, venientes de partibus transmarinis, constitit evidenter, infra claustra domorum Templi praedictos Soldanos et suos cum alacritate pomposa receptos, superstitiones suas, cum invocatione Machometi, et luxus saeculares facere Templarii paterentur. Wilcke Gesch. d. Tempelh. i. 181, understands the passage incorrectly, of the admission of the Sultans into the order. It only states that the Mahometan allies were received into the houses of the order, and allowed even there to celebrate their religious worship.

¹⁴ On these see Histoire des Ordres militaires (Amsterd. 1721. iv. voll. 8.) T. ii. and iii. Aschbach's Gesch. Spaniens u. Portugals zur Zeit d. Almoraviden u. Almohaden ii. 13. 288. To the Militia sacra Ordinis Cisterciensis (the origin, constitutions, and privileges of which may be seen in Chrysost. Henriquez regula, constitutiones, et privilegia Ordinis Cisterciensis Antwerp. 1630. fol. p. 475) belonged 1. Ordo de Calatrava, founded by the Cistercian Abbot Raymundus. Abbas s. Mariae de Fitero, when Sancho III., King of Castile, granted to his order in 1158 the city of Calatrava, which was threatened by the Moors. (Henriquez p. 484. Histoire des Ordr. milit. iii. 1.) 2. Ordo s. Juliani de Pereyro, founded by two knights about 1156. It received in 1176 the confirmation of King Ferdinand of Leon, in 1177 that of the Pope, and after that the stronghold of Alcantara was given up to it in 1218, it took the name ord. de Alcantara (Henriquez p. 505. Histoire des Ord. milit. iii. 50.) These two orders observed all the monastic vows, until Paul III. in 1540, allowed them to marry, and only imposed on them the vows obedientiae, castitatis conjugalibus et conversionis morum: The case was otherwise with the two following orders in Portugal, the same obligations were bound upon their members as on the conversi of the Cistercian order: 3. In the year 1162 the Cistercian Abbot, John Cirita (see the document in Henriquez p. 481) founded a militia Equitum, quibus munus sit, religionem defendere in bello, caritatem exercere in pace, *castitatem servare in toro*, et terram Maurorum continuis incursionibus vastare, et habitum portare signum religionis prae se ferentem, caputium scilicet parvae magnitudinis, cum scapula taliter facta, quod in conflictu pugnantes non impediatur. T

During the siege of Ptolemais in the year 1190, there rose the Order of German knights (*Equites Teutonici hospitalis s. Mariae Virginis Hierosolymitani*),¹⁵ these however so early as the year

insure the supremacy of the Cistercians it was decreed: *Si aliquis Militum, dum ambulat, invenerit aliquem Abbatem Ordinis Cisterciensis, relicto equo humiliter accedat, et petat benedictionem, et comitem se offerat itineris. Si pertransierit per loca, castra, seu civitates, ubi fuerint Milites hujus societatis, tempore pacis aut belli, Dux arcis offerat ei claves. Juxta dispositionem ejus gubernentur omnia tempore, quo ibi fuerit. Monachi Cistercienses tanquam fratres suscipiantur, et omnia caritatis officia exhibeantur eis.* Alphonso I. King of Portugal, granted to these knights in 1166 the town of Evora (thence the name *Milites Eborae*): In 1181 they built the Castle of Avis, and received from it the name *Milites de Avis*, *Ordo Avisius*. cf. *Hist. des Ordres milit.* ii. 384. Schäfer's *Gesch. v. Portugal* i. 83.—4. In the year 1167 or 1171 Alphonso I., King of Portugal, seems to have founded the Order of the Wing of St Michael (*Milites s. Michaelis*, s. *Mil. de Ala*) (cf. *Henriquez* p. 483. *Hist. des Ordres milit.* iii. 45): However this order vanishes again immediately, when it had attained an individual existence, Schäfer i. 93. Aschbach ii. 20.—Besides these orders of knighthood, which sprung up in connection with the Cistercians, there arose in 1161 in Galicia the *Militia s. Jacobi*, at first intended for the protection of the pilgrims to Compostella (called in Jac. a Vitriaco *hist. Occ. c. 26 Fratres de Spatha*, now *Cavalleria de Sant Jago de la Spada*.) Alexander III. confirmed their Rule in 1175, (see the Privileges *epist. 20* in *Mansi* xxi. 1049 renewed by Innocent III. *lib. xiii. ep. 11.*) *Eo utique moderamine propositum suum et Ordinem temperantes, ut—habeantur in ipso Ordine, qui coelibem ducant vitam:—sint etiam, qui juxta institutionem dominicam ad procreandam sobolem, et incontinentiae praecipitum evitandum, conjugibus suis utantur.—Ad suscipiendam prolem,—qui continere nequiverit, conjugium sortiatur, et servet inviolatam fidem uxori, et uxor viro, ne tori conjugalibus continentia violeatur.*

¹⁵ cf. *Petri de Dusburg* (about 1326) *chronicon Prussiae s. hist. Ord. Teuton.* (1190—1326) ed. Christoph. Hartknoch. Jenae 1679. 4.—*Raym. Duellii hist. Ord. Equitum Teutonic.* Vindob. 1727. fol.—*Hist. de l'Ordre teutonique.* Par un Chevalier de l'Ordre (Comthur Freih. v. Wal.) Paris et Rheims 1784 ss. viii. voll. *Joh. Voigt's Gesch. Preussens bis zum Untergange der Herrschaft des deutschen Ordens.* 9 Bde, Königsberg 1827—39.—*Die Statuten des deutschen Ordens.* Nach dem Original exemplar (according to the revision of 1442) herausg. v. E. Hennig. Königsb. 1806. 8. *Recherches sur l'ancienne constitution de l'ordre teutonique* par l'auteur de l'histoire de l'ordre teutonique. 2 Tomes à Mergentheim 1807. *Das Ordensbuch der Brüder vom deutschen Hause St. Marien zu Jerusalem, in der ältesten (bekannten) Abfassung* herausgeg. v. O. F. H. Schönhuth, Heilbronn 1847. The order received from Honorius III. dd. 15. Dec. 1220 the same privileges as the knights of St John and the Templars, see the Bull in *Duchlius selecta privil.* no. 1.

1226 withdrew into Prussia, to conquer the heathen inhabitants of this country; and here in 1237 they united themselves with the Order of Brethren of the Sword (*Fratres militiae Christi s. Gladiferi*),¹⁶ founded by Albert, Bishop of Livonia, in 1202, against the infidel Livonians.

Of less importance was the order of *Fratres de militia Jesu Christi*, which was formed under the direction of the Dominicans (1220) for the war against the Albigenses in Southern France, and afterwards fixt itself especially in Northern Italy, since 1261 under the name of *Ordo Militiae b. Mariae Virginis*, though more often called *La Milizia Gaudente* (*Frati Gaudenti, Fratres Gaudentes*).¹⁷

¹⁶ Compare the two contemporaries *Arnoldi Lubec*, chron. vii. c. 9, and *Henrici Letti* (a Lettland) *origines Livoniae sacrae et civiles* ed. J. D. Gruber. Francof. et Lips. 1740. fol. p. 21.—H. A. G. de Pott comm. de Gladiferis s. de Fratribus militiae Christi in Livonia. Erlang. 1806. 8.

¹⁷ *Istoria de' Cavalieri Gaudenti di Fr. Dom. Maria Federici*. In Vinegia 1787. 2 voll. 4. Hüllmann's *Städtewesen des Mittelalters* iii. 127.

FOURTH CHAPTER.

HISTORY OF THEOLOGICAL SCIENCE.

1. SCHOLASTIC AND MYSTIC THEOLOGY.

Bossuet's *Einl. in die Gesch. der Welt u. d. Religion*, fortges. v. I. A. Cramer Th. 5. Bd. 2. s. 328 ff. Th. 6 u. 7. Tiedemann's *Geist der speculativen Philosophie* Th. 4 u. 5. Tenneman's *Gesch. d. Philos.* Bd. 8. H. Ritter's *Gesch. d. christl. Philosophie* Th. 3 u. 4.

§ 73.

FIRST PERIOD OF SCHOLASTIC THEOLOGY DOWN TO ALEXANDER OF HALES, ABOUT 1230.

Cousin's *Introduction to the Ouvrages inédits d' Abélard*, Paris 1836. 4. (Cousin über die erste Periode d. Scholastiker, dem wesentl. Inhalte nach mitgetheilt v. Dr. Englehardt in *Niedner's Zeitschr. f. d. hist. Theol.* 1846. i. 56.) J. A. Bornemann *Anselmus et Abaelardus*, s. *initia scholasticismi*. Havniae 1840.

Ever since the controversy between Lanfranc and Berengarius on the doctrine of the Lord's Supper (see above Part 1, § 29), the relish for logical treatment of theology spread with surprising speed: and now the scholastic theology¹ began to develop itself in strong contrast with the antient, in form also, confining as it did its method of teaching to tradition alone (*theologia positiva*), and henceforth for four whole centuries to employ the most

¹ Papias *Vocabulista* (about 1053) in his *Vocabularium* explains the word *Scholasticus* by *eruditus, literatus, sapiens*. The dialectic theology was considered the pinnacle of all wisdom. On the nature of the Scholastic Divinity, see Hegel's *Borles. über die Gesch. d. Philosophie*, Werke xv. 132. Staudenmaier's *Joh. Scotus Erigena* s. 366. Kliefoth's *Einleit. in die Dogmengesch.* s. 181. Ritter's *Gesch. d. christl. Philos.* iii. 111.

distinguisht abilities. Aristotle and Augustine always remained the principal guides of the Schoolmen. But in the first of the three periods into which their history divides itself,² Aristotle was their teacher in logic only,³ Augustine was the source of their philosophy, as well as of their theology, and so it was essentially Platonic.⁴ The Problem on the Being of Universals, which presents itself in Porphyry's Introduction,⁵ was seized on by them with peculiar earnestness, and gave rise to the party-names of Realists and Nominalists.⁶ Lanfranc's distinguished disciple

² Thus Lamb. Danaeus first divided them in his prolegg. in P. Lombardi sentent. c. 2. (in ejusd. opusce. theolog. Genév. 1583. fol. p. 1104 ss.) according to the analogy of the threefold academy.

³ Jourdain recherches crit. sur l'âge et l'origine des traductions latines d'Aristote. Paris 1819 (translated with additions and corrections by Dr A. Stahr, Halle 1831) nouv. édit. revue et augm. 1843. Cousin has however demonstrated, that even Abelard had only the Introduction of Porphyry, and the first two treatises of the Organon on the categories and propositions, in the translation of Boëthius, and that John of Salisbury was the first to become acquainted with the entire Organon, Cousin introduction p. li.

⁴ Abelard was acquainted with the Platonic philosophy from Macrobius also, other writers had Plato's Timæus, see Cousin ouvrages inédits d'Abelard p. 646.

⁵ Porphyrii introductio interpr. Boëthio init. (Boëthi opp. ed. Basil. 1570. fol. p. 50): Cum sit necessarium, Chrysaori, et ad eam quae est apud Aristotelem praedicamentorum doctrinam, nosse quid sit genus, quid differentia, quid species, quid proprium, et quid accidens; et ad diffinitionum assignationem, et omnino ad ea quae in divisione et in demonstratione sunt, utili istarum rerum speculatione, compendiosam tibi traditionem faciens tentabo breviter, velut introductionis modo, ea quae ab antiquis dicta sunt aggredi, ab altioribus quidam quaestionibus abstinens, simpliciores vero medioeriter conjectans. *Mox de generibus et speciebus illud quidem sive subsistant sive in solis nudis intellectibus posita sint, sive subsistentia corporalia sint an incorporalia, et utrum separata a sensibilibus, an in sensibilibus posita et circa haec consistentia, dicere recusabo. Altissimum enim negotium est hujusmodi, et majoris egens inquisitionis.* (Porphyrius: Ἀδίκτα περὶ γενῶν τε καὶ εἰδῶν, τὸ μὲν εἶτε ὑφέστηκεν εἶτε καὶ ἐν μόναις ψυχαῖς ἐπινοίαῖς κεῖται, εἶτε καὶ ὑφέστηκῶτα σώματα ἐστὶν ἢ ἀσώματα, καὶ πότερον χωριστὰ ἢ ἐν τοῖς αἰσθητοῖς καὶ περὶ ταῦτα ὑφέστῳτα, παραιτήσομαι λέγειν· βαθύτατης οὔσης τῆς τοιαύτης πραγματείας. καὶ ἄλλης μείζονος δεομένης ἐξετάσεως.) Cousin. introd. p. lx. The question here only embraces the reality of genera and species, but even Boëthius in his commentary, and after him the Schoolmen, extend it also to the three other universals to differentia, proprium and accidens. Cousin p. lxxvii.

⁶ Concerning Realism and Nominalism, see Cramer V. ii. 101

Anselm (1063 Prior and Scholastic, 1078 Abbot of Bec, 1093 Archbishop of Canterbury † 1109),⁷ who may be regarded as the first of the Schoolmen, was a faithful follower of Augustine,⁸ a Realist like him,⁹ and although himself the founder of natural

Meiners de Nominalium ac Realium initiis atque progressu (in Comm. Soc. Gotting. class. hist. et phil. xii. 24.) Eberstein über die Beschaffenheit d. Logik u. Metaphysik d. reinen Peripatetiker Halle 1800. Anhang s. 91. Baumgarten-Crusius de vero Scholasticorum Realium et Nominalium discrimine, et sententia theologica (Jenaisches Pflingstprogramm 1821. 4.) Staudenmaier's Joh. Scotus Erigena i. 455. Baur's christl. Lehre v. d. Dreieinigkeit und Menschwerdung Gottes in ihrer geschichtl. Entwicklung ii. 416. Engelhardt's Richard v. St Victor und Joh. Ruysbroek s. 309. Franck's Anselm von Canterbury s. 101. Fr. Exner über Nominalismus und Realismus, Prag 1842. 4 (printed from the transactions of the Bohemian Scientific Association.) Johannes Saresberiensis Polierat. vii. 12 calls the question about Universals veterem quaestionem, in qua laborans mundus jam senuit, in qua plus temporis consumptum est, quam in acquirendo et regendo orbis imperio consumserit Caesarea domus; plus effusum pecuniae, quam in omnibus divitiis suis possederit Croesus. Haec enim tandiu multos tenuit, ut cum hoc unum tota vita quaerent, tandem nec istud nec aliud invenirent.

⁷ Among his writings besides that to be brought forward in note 10, the following are worthy of note: *Cur Deus homo?* libb. ii. *De conceptu virginali et originali peccato* etc. (There are extracts in Schröckh xxviii. 376), *Epistoll.* libb. iii. Opp. ed. Gabr. Gerberon. Paris. 1675, new edition by the Benedictines ib. 1721. 2 voll. fol.—*Vita Anselmi* libb. ii. by his disciple Eadmer or Edinorus in the opp. and act. ss. April. ii. 866, which may be generally consulted from p. 685 to the 21st Apr. Möhler's Anselm Erzb. v. Canterbury, in dess. Schriften u. Aufsätzen, herausgeg. v. Döllinger i. 32. Gu. R. Veder diss. de Anselmo Cant. Ludg. Bat. 1832. P. C. Rothe de vita at gestis Anselmi diss. Havn. 1840. J. A. Bornemann Anselmus et Abaelardus, s. initia scholasticismi, Havn. 1840. G. F. Franck's Anselm v. Canterbury, Tübingen 1842. F. R. Hasse's Anselm v. Canterbury, Th. 1. Leben, Leipzig 1843 (his doctrina Anselmi Cant. de imagine divina in Ilgen's Zeitschr. f. d. hist. Theol. 1835. ii. 184.)

⁸ Thus he states himself of his *Monologium* lib. i. epist. 68 ad Lanfrancum: Haec mea fuit intentio per totam illam qualemunque disputationem, ut omnino nihil ibi assererem, nisi quod aut canonicis, aut b. Augustini dictis ineunctanter posse defendi viderem: et nunc quotiescunque ea quae dixi retracto, nihil aliud me asseruisse percipere possum.

⁹ Augustin. de diversis (83) quaestionibus, qu. 46. § 2: Ideas igitur latine possumus vel formas vel species dicere, ut verbum e verbo transferre videamur. Si autem rationes eas vocemus, ab interpretandi quidem proprietate discodimus: rationes enim graece λόγος appellantur. non ideae: sed tamen quisquis hoc vocabulo uti voluerit, a re ipsa non

theology,¹⁰ he laboured nevertheless to preserve the faith uncompromised by any philosophical researches.¹¹ When Roscellin,

aberrabit. Sunt namque ideae principales formae quaedam, vel rationes rerum stabiles atque incommutabiles, quae ipsae formatae non sunt, ac per hoc aeternae ac semper eodem modo sese habentes, quae in divina intelligentia continentur.—Quis audeat dicere, Deum irrationabiliter omnia condidisse?—Singula propriis sunt creata rationibus. Has autem rationes ubi arbitrandum est esse, nisi in ipsa mente creatoris?—Quod si hae rerum omnium creandarum creatarumve rationes in divina mente continentur, neque in divina mente quidquam nisi aeternum atque incommutabile potest esse; atque has rerum rationes principales appellat ideas Plato: non solum sunt ideae, sed ipsae vere sunt, quia aeternae sunt, et ejusmodi atque incommutabiles manent; quarum participatione fit, ut sit quicquid est, quoquo modo est. Sed anima rationalis inter eas res, quae sunt a Deo conditae, omnia superat, et Deo proxima est, quando pura est: eique in quantum caritate cohaeserit, in tantum ab eo lumine illo intelligibili perfusa quodammodo et illustrata cernit—per intelligentiam suam istas rationes, quarum visione fit beatissima. cf. Anselmi monologium c. 9 ss.

¹⁰ Compare his monologium and proslogion, on the existence of God and the Trinity (J. G. F. Billroth de Anselmi Cant. proslogio et monologio diss. hist. crit. Lips 1832). Against Gaunilo's, a monk in Marmontiers, liber pro insipiente adv. Anselmi in proslogio ratiocinationem (in Anselmi opp.) he defends himself in the liber apologeticus contra Gaunilonem, respondentem pro insipiente. Cramer V. ii. 352. Tiedemann iv. 253. Tennemann viii. 114. Ritter iii. 324.

¹¹ E. g. Anselmi lib. ii. ep. 41 ad Fulconem Ep. Belvac. (also in Mansi xx. 741): Christianus per fidem debet ad intellectum proficere, non per intellectum ad fidem accedere, aut si intelligere non valet, a fide recedere. Sed cum ad intellectum valet pertingere, delectatur: cum vero nequit, quod capere non potest, veneratur. Proslogion c. I. in fine: Neque enim quaero intelligere, ut credam; sed credo, ut intelligam. Nam et hoc credo, quia nisi credidero, non intelligam. De fide Trinitatis c. 2 he zealously rebukes eorum praesumptionem, qui nefanda temeritate audent disputare contra aliquid eorum, quae fides christiana confitetur, quoniam id intellectu capere nequeunt: et potius insipienti superbia judicant nullatenus posse esse, quod nequeunt intelligere, quam humili sapientia fateantur, esse multa posse, quae ipsi non valeant comprehendere.—Prius ea quae carnis sunt postponentes, secundum spiritum vivamus, quam profunda fidei dijudicando discutiamus: nam qui secundum carnem vivit, carnalis sive animalis est, de quo dicitur: *animalis homo non percipit ea, quae sunt spiritus Dei* (1 Cor. ii. 14). Qui vero spiritu facta carnis morificat, spiritualis efficitur, de quo legitur, quia *spiritualis omnia judicat, et ipse a nemine judicatur* (1 Cor. ii. 19).—Qui non crediderit, non intelliget. Nam qui non crediderit, non experietur: et qui expertus non fuerit, non intelliget. Thus he complains cap. 3 de dialectis modernis, qui nihil esse credunt, nisi quod imaginationibus comprehendere possunt. Everywhere he

Canon at Compiegne, led away by his Nominalism, seemed to convert the Trinity into Tritheism, Anselm encountered him, and at the Synod of Soissons (1092) compelled him to recant.¹² In consequence of this Nominalism drew upon itself the suspicion of being perilous to orthodoxy, and so Realism for a long time had the upper hand.¹³

From the beginning of the 12th century Paris was the chief site of scholastic Theology. Whilst hitherto nothing more than the Trivium and Quadrivium were taught in the schools, distinguished Teachers of Philosophy and Theology, induced by the newly awakened zeal for philosophic divinity, apart from the

holds to the maxim of St Augustine : *fides praecedat intellectum*, and in his book *de fide Trin.* c. 2, quotes in support of it, as Augustine does himself, the false translation in the Vulgate *Jes. vii. 9 : nisi credideritis, non intelligetis* (Augustin. exposit. in *Evang. Joh. tract. 29. c. 7 : Noli quaerere intelligere, ut credas, sed crede, ut intelligas, quoniam nisi credideritis, non intelligetis*).

¹² Neither Roscellins (or Ruzelins) works, nor the acts of the Synod of Soissons, are now extant. The only sources of information on this controversy are Joannis mon. epist. ad Anselmum (in Baluz. miscell. lib. iv. p. 478), in which he sends him intelligence of Roscellin's heresy. *Hanc de tribus deitatis personis quaestionem Rocelinus de Compendio movet. Si tres personae sunt una tantum res (a Reality) et non sunt tres res per se, sicut tres angeli, aut tres animae, ita tamen ut voluntate et potentia omnino sint idem, ergo Pater et Spiritus sanctus cum Filio incarnatus est. Dicit enim huic sententiae domnum Lanfrancum Archiepiscopum concessisse, et vos concedere se disputante. cf. Anselmi lib. ii. ep. 35 ad Joannem and ep. 41 ad Fulconem Ep. Bellov. Not till after the Synod of Soissons, as Archbishop of Canterbury, he wrote his liber de fide Trinitatis et de incarnatione verbi contra blasphemias Ruzelini. Here he first states Roscellin's heresy in the words of the above mentioned John (cap. 1), but he remarks cap. 3 : Sed forsitan ipse non dicit : sicut sunt tres animae aut tres angeli : sed ille, qui mihi ejus mandavit quaestionem, hanc ex suo posuit similitudinem : sed solum tres personas affirmat esse tres res sine additamento alicujus similitudinis. Baur's Lehre v. d. Dreieinigkeit ii. 400. C. Schwarz de s. Trinitate quid senserint doctores eccles. prima scholasticae theologiae periodo, Halis 1842. p. 22. Schmeller on an epistle of Roscellin to Peter Abelard discovered at Munich, in which he also enters into the Doctrine of the Trinity, see Münchener gel. Anzeigen, December 1847. s. 993.*

¹³ Joannes Sarisbur. in metalogico lib. ii. c. 17. p. 814 : Alius ergo consistit in vocibus, licet haec opinio cum Rocelino suo fere omnino jam evanuerit etc.

cathedral and monastic schools, yet to a certain degree in connection with them, now came forward in this city with lectures on these sciences. When by degrees professorial chairs for canon law and medical science had been likewise established, the first university (*studium generale* or *universale*)¹⁴ was formed by the union of these Professorships with each other. In imitation of this, similar institutions arose in other countries also during the 13th century. For scholastic Theology, since the year 1200, Oxford was the most famous amongst these next after Paris.

In the beginning of the 12th century the Archdeacon William of Champeaux (de Campellis),¹⁵ taught Rhetoric, Dialectics, and Theology, in the Cathedral school at Paris, with great reputation, until his pupil Peter Abelard, from 1108, cast him into the shade.¹⁶ The further Abelard pursued his speculations,¹⁷ the

¹⁴ Caes. Egassii Bulaei hist. Universitatis Parisiensis. 6 voll. Paris. 1665—1673. fol. Crevier hist. de l'université de Paris. 7 voll. Paris 1761. 12. Histoire de l'université depuis son origine jusqu'à nos jours, par M. Eugène Dubarle. 2 Tomes. Paris 1829. 8. Savigny's Gesch. d. röm. Rechts im Mittelalter. 2e Aufl. iii. 337. Raumer vi. s. 462 ff.

¹⁵ Concerning him Cousin introduction p. ex. Ritter iii. 355.

¹⁶ P. Abaelardi et Heloisae opera (ed. A. Duchesne). Paris. 1616. gr. 4. (On this rare edition cf. Bayle dict. s. voc. F. d'Amboise not. F. and Hamberger's Nachr. v. d. vornehmsten Schriftstellern iv. 168.) In this book, p. 973, see *Introductio ad theologiam* libb. iii. (There is an abstract in Cramer vi. 337.) The work *adv. haereses* p. 452 is not by Abelard, but by Ermengard, written after 1209, see Franck in d. theol. Studien u. Krit. 1841. iv. 973. There are works of Abelard published afterwards: *Theologia christiana* libb. v. in Martene et Durand thesaur. anecdot. v. 1156 (there is an abstract in Cramer vi. 385); *Ethica* s. *liber dictus: scito te ipsum* in Pezii anecdot. III. ii. 627 (Schlosser Abaelard u. Dalcin s. 119 considers these ethics to be not genuine: on the other side are Frerichs de P. Ab. doctrina dogm. et mor. p. 6 and Ritter iii. 427). Still later there was brought forward P. Abaelardi dialogus inter Philosophum, Judaeum et Christianum, ed. F. H. Rheinwald. Berolini 1831. P. Abael. epitome theologiae christianae ed. F. H. Rheinwald, Berol. 1835 (the proper title, which also the MS. discovered in Munich bears, is, Petr. Abael. sententiae: it is a treatise written down from dictation by a pupil, see my observations in d. Theol. Studien u. Krit. 1837. ii. 366.) *Ouvrages inédits d'Abélard*, publiés par M. Victor Cousin, Paris 1836. 4. (belongs to the second series of the Collection de documents inédits sur l'hist. de France, comp. E. A. Lewald comm. de opp. P. Abael. quae V. Cousin edidit, Heidelberg. 1839. 4.) In the same p. 1: *Sic et Non*, on the

contradictions of the ecclesiastical Fathers. On Abaelard's fate, cf. Abaelardi epist. 1. de historia calamitatum suarum. P. Bayle diction. s. v. Abélard, Foulques and Héloïse. J. Gervaise la vie de P. Abeillard et de Héloïse. Paris. ed. 2. 1728. 2 Tom. Hist. lit. de la France, on Abaelard xii. 86, and on Héloïse p. 629 ss. The history of the lives of Abeillard and Héloïse by John Berington. Lond. 1787. 4 (translated into German by S. Hahnemann. Leipz. 1789. 8.) Abälard und Dulcin. Leben und Meinungen eines Schwärmers und eines Philosophen v. Fr. Chr. Schlosser Gotha 1807. Abélard, par Charles de Remusat, 2 voll. Paris 1845. C. Francke's Arnold v. Brescia. Zürich 1825. S. 16 ff. 87 ff. 204 ff. J. H. F. Frerichs comm. de Petri Abaelardi doctrina dogmatica et morali. Jenae 1827. 4. Franck's Beitrag z. Würdigung Abälard's in d. Tübinger Zeitschr. f. evangel. Theologie 1840. iv. 3. D. J. H. Goldhorn de summis principiis theologiae Abaelardeae, Lips. 1836. A. Tholuck disp. de Thoma Aquin. atque Abaelardo interpretibus Novi Test. (Hall. Osterprogramm 1842.)

¹⁷ For his maxims of Theology see Introductio ad theologiam lib. ii. c. 1. (opp. p. 1046): Nunc autem—pluribus de fide s. Trinitatis collectis atque expositis testimoniis, superest aperire, quibus rationibus defendi possit, quod testimoniis confirmatum est—Beato attestante Augustino in omnibus auctoritatem humanae anteponi rationi convenit: maxime autem in his, quae ad Deum pertinent, tutius auctoritate quam humano nitimur iudicio, Cap. 2. p. 1047: De diversitate personarum in una et individua penitus ac simplici divina substantia, et de generatione verbi seu processione spiritus quidem nos docere veritatem non promittimus, ad quam neque nos, neque mortalium aliquem sufficere credimus: sed saltem aliquid verisimile atque humanae rationi vicinum, nec sacrae fidei contrarium proponere libet, adversus eos, qui humanis rationibus fidem se impugnare gloriantur, nec nisi humanas curant rationes, quas noverunt, multosque facile assentatores inveniunt. Cap. 3. p. 1058: Quomodo ergo audiendi sunt, qui fidem rationibus vel adstruendam vel defendendam esse denegant?—Si enim cum persuadetur aliud, ut credatur, nil est ratione discutiendum, utrum ita scilicet credi oporteat vel non: quid restat, nisi ut aequae tam falsa quam vera praedicantibus acquiescamus? p. 1059: Asserunt, nil ad catholicae fidei mysteria pertinens ratione investigandum esse, sed de omnibus auctoritati statim credendum esse, quantumcunque haec ab humana ratione remota esse videatur. Quod quidem si recipiatur.—cujusque populi fides, quantumcunque adstruat falsitatem, refelli non poterit, et si in tantam devoluta sit caecitatem, ut idolum quodlibet Deum, esse ac caeli ac terrae creatorem fateatur. True, Gregory the Great says: *nec fides habet meritum cui humana ratio praebet experimentum*. But p. 1060: At numquam si fidei nostrae primordia statim meritum non habent, ideo ipsa prorsus inutilis est judicanda, quam postmodum caritas subsecuta obtinet, quod illi defuerat.—Unde et in Ecclesiastico scriptum est: *Qui credidit cito, levis est corde et minorabitur* Sirac. xix. 4.) Cito autem sive facile credit, qui indiscrete atque improvide his quae dicunt prius acquiescit, quam hoc, ei quod persuadetur ignota ratione, quoniam valet discutiat, an scilicet adhiberi ei fidem conveniat. p. 1061: Nunc vero e contra

greater enthusiasm he roused among the youthful students for his philosophical Divinity. The sentence¹⁸ passed upon him in 1211 by the Synod of Soissons, only increased his fame.¹⁹ His pupils even followed him in crowds to a desert place near Nogent.²⁰

plurimi solatium suae imperitiae quaerunt, ut, cum ea de fide docere nituntur, quae ut etiam intelligi possint, disserere non sufficiunt, illum maxime fidei fervorem commendunt, qui ea quae dicantur antequam intelligat credit et prius his assentit ac recipit, quam quae ipsa sint videat, et an recipienda sint agnoscat, seu pro captu suo discutiat. Maxime vero id profitentur, cum ea praedicantur, quae ad divinitatis naturam, et ad s. Trinitatis pertinent discretionem, quae penitus in hac vita non posse intelligi asseverant, sed hoc ipsum intelligi vitam dicunt aeternam, juxta illud veritatis: *Haec est autem vita aeterna, ut cognoscant te Deum verum, et quem misisti Jesum Christum.* Sed profecto aliud est intelligere seu credere, aliud cognoscere seu manifestare. Fides quippe dicitur existimatio non apparentium, cognitio vero ipsarum rerum experientia per ipsam earum praesentiam.—Proprie quoque de invisibilibus intellectus dicitur secundum quod quidem intellectuales et visibiles naturae distinguuntur. Quisquis etiam in hac vita ea, quae de Trinitate dicuntur, non posse intelligi arbitratur, profecto in illam Montani haeretici labitur errorem, quem beatus damnans Hieronymus in prologo commentariorum Esaiæ sic ait: *Næque vere, ut Montanus somniat, Prophetæ in extasi sunt locuti, ut nescirent quid loquerentur etc.*

¹⁸ There is a copious notice of the Council of Soissons, the acts of which are lost, in Abæl. epist. i. de calamitat. suis, c. 9. p. 20 ss. A shorter notice in Otto Frising. de gestis Frid. lib. i. c. 47: De s. Trinitate docens et scribens, tres personas—nimis attenuans, non bonis usus exemplis, inter caetera dixit: sicut eadem oratio est propositio, assumptio et conclusio, ita eadem essentia est Pater, et Filius, et Spiritus sanctus. Ob hoc Successionis provinciali contra eum synodo, sub praesentia Romanae sedis Legati, congregata,—libros, quos ediderat, propria manu ab Episcopis igni dare coactus est, nulla sibi respondendi facultate, eo quod disputandi in eo peritia ab omnibus suspecta haberetur, concessa.

¹⁹ Abæl. epist. i. de calam. suis c. 10. p. 25: Cum autem hoc tam crudeliter et inconsiderate factum omnes, ad quos fama delatum est, vehementer arguerant, singuli qui interfuerant a se culpam repellentes in alios transfundebant; adeo ut ipsi quoque aemuli nostri id consilio suo factum esse denegarent, et Legatus coram omnibus invidiam Francorum super hoc maxime detestaretur.

²⁰ Abelardus l. c. cap. 11. p. 28: Quod cum cognovissent Scholares, coeperunt undique concurrere et relictis civitatibus et castellis solitudinem inhabitare, et pro amplis domibus parva tabernacula sibi construere, et pro delicatis cibis herbis agrestibus et pane cibario victitare, et pro mollibus stratis culmum sibi et stramen comparare, et pro mensis glebas erigere.

But the keen development and rapid advance of the dialectic Theology, now found in Bernard of Clairvaux and Norbert, two men who were considered as saints even in their life time, dangerous adversaries.²¹ Inclined to mystic views they condemned in the explanation of their doctrinal system every departure from the traditional method of acceptance, inasmuch as the mysterious doctrine of revelation cannot everywhere be analyzed in thought by the understanding, but can only be embraced by the method of mystical contemplation.²²

²¹ Abelardus l. c. cap. 12. p. 31: Hoc autem loco me corpore latitante, sed fama tunc universum mundum perambulante,—piores aemuli, cum per se jam minus valerent, quosdam adversum me novos Apostolos, quibus mundus plurimum credebat, excitaverunt. Quorum alter regularium Canonicorum vitam, alter Monachorum se resuscitasse gloriabatur. Hi praedicando per mundum discurrentes, et me impudentem quantum poterant corrodentes, non modice tam ecclesiasticis quibusdam quam saecularibus Potestatibus contentibilem ad tempus effecerunt, et de mea tam fide quam vita adeo sinistra disseminaverunt, ut ipsos quoque amicorum nostrorum praecipuos a me averterent, et qui adhuc pristini amoris erga me aliquid retinerent, hoc ipsi modis omnibus metu illorum dissimularent. Otto Frising. de gestis Frid. lib. i. c. 47, may be allowed to express the opinion of most educated men of that time about Bernard: Erat autem—Abbas tam ex christianae religionis fervore zelotypus, quam ex habituali mansuetudine quodammodo credulus, ut et magistros, qui humanis rationibus, saeculari sapientia confisi, nimium inhaerebant, abhorreret, et, si quicquam ei christianae fidei absonum de talibus diceretur, facile aurem praeberet.

²² Bernardi de diversis sermo lx. n. 9 (ed Mabill. ii. 250.) Et diabolus et homo, uterque ascendere praepostere voluit, hic ad scientiam, ille ad potentiam, ambo ad superbiam. Non sic ascendere velimus, quin potius audiamus prophetam quaerentem, quomodo ascendendum sit. *Quis, inquit, ascendet in montem Domini etc.* (Ps. cxiv. 3, 4.) Ubi notandum, quod triplicem gradum ascendendi constituit. Primus gradus est innocentia operis, secundus munditia cordis, tertius fructus aedificationis. De considerat. lib. v. c. 3: Quae supra sunt, non verbo docentur, sed spiritu revelantur. Verum quod sermo non explicat, consideratio quaeat, oratio expetat, mereatur vita, puritas assequatur.—Deus,—et qui cum eo sunt beati spiritus tribus modis—nostra sunt consideratione vestigandi, opinione, fide, intellectu. Quorum intellectus rationi innititur, fides auctoritati, opinio sola verisimilitudine se tuetur. Habent illa duo certam veritatem, sed fides clausam et involutam, intelligentia nudam et manifestam: caeterum opinio certi nihil habens, verum per verisimilia quaerit potius quam apprehendit. Omnino in his cavenda confusio, ne aut incertum opinionis fides figat, aut quod firmum fixumque est fidei, opinio revocet in questionem. Et hoc sciendum, quia opinio, si habet asser-

After that Abelard had handed over to his Heloise, the Abbey of Paracletus founded in the wilderness near Nogent, he had remained from 1126—1136 Abbot of Ruits in Brittany, and afterwards had lectured once more for sometime at Paris; now by new writings he furnisht Bernard with an opportunity of advancing to an open attack upon him.²³ The Synod of Sens

tionem, temeraria est: fides, si habet haesitationem, infirma est: item intellectus, si signata fidei tentet irrumpere, reputatur effractor, [non] scrutator majestatis. Multi suam opinionem intellectum putaverunt et erraverunt.—Possumus singula haec ita definire: *fides* est voluntaria quaedam et certa praelibatio necdum propalatae veritatis; *intellectus* est rei cujuscunque invisibilis certa et manifesta notitia; *opinio* est quasi pro vero habere aliquid, quod falsum esse nescias. Ergo ut dixi, fides ambiguum non habet: aut si habet, fides non est, sed opinio. Quid igitur distat ab intellectu? Nempe quod etsi non habet incertum non magis quam intellectus, habet tamen involucrum, quod non intellectus. Denique quod intellexisti, non est de eo quod ultra quaeas: aut si est, non intellexisti. Nil autem malumus scire, quam quae fide jam scimus. Nil supererit ad beatitudinem, cum quae jam certa sunt nobis fide, erunt aequae et nude. Cap. 14. After a dissertation on the being of God: Novimus haec. Num ideo et arbitramur nos comprehendisse? Non ea disputatio comprehendit, sed sanctitas, si quo modo tamen comprehendere potest, quod incomprehensibile est.—Quaeris quomodo? Si sanctus es, comprehendisti et nosti: si non, esto, et tuo experimento scies. Sanctum facit affectio sancta, et ipsa gemina, timor Domini sanctus et sanctus amor. His perfecte affecta anima, veluti quibusdam duobus brachiis suis comprehendit, amplectitur, stringit, tenet, et ait: *Tenui eum nec dimittam.* Comp. H. Schmid der Mysticismus des Mittelalters in s. Entstehungsperiode. Jena 1821. s. 187. A. Helfferich's christl. Mystik in ihrer Entwicklung, Gotha 1842, i. 290.

²³ Compare Neander's *der heil. Bernard. u. s. Zeitalter.* Berlin 1813. s. 112 ff. Bernard was roused by a letter from Wilhelm, Abbot of St Thierry, in the year 1139 (epist. 391 among Bernard's letters.) Bernard's charges against Abaelard: epist. 188 ad Cardinales: Irridetur simplicium fides, eviscerantur arcana Dei, quaestiones de altissimis rebus temerarie ventilantur, insultatur Patribus, quod eas magis sopiendas quam solvendas censuerint. Epist. 189 ad Innocentium P. Novum euditur populis et gentibus Evangelium, nova proponitur fides, fundamentum aliud ponitur praeter id, quod, positum est. De virtutibus et vitiis non moraliter, de sacramentis Ecclesiae non fideliter, de arcana sanctae Trinitatis non simpliciter nec sobrie disputatur: sed cuncta nobis in perversum, cuncta praeter solitum et praeterquam accepimus, ministrantur. Epist. 192 ad Mag. Guidonem: Magister Petrus in libris suis profanas vocum novitates inducit et sensuum, disputans de fide contra fidem, verbis legis legem impugnatur. Nihil videt per speculum et in aenigmate, sed facie ad faciem omnia intuetur, ambulans in magnis et in mirabilibus super se. Melius illi

(1140) decided against Abelard,²⁴ the Pope sentenced him to

erat, si juxta titulum libri sui seipsum cognosceret, nec egrederetur mensuram suam, sed saperet ad sobrietatem. Epist. 359 ad Haimericum Card. Maculavit Ecclesiam homo ille, rubiginem suam simplicium mentibus affricuit: cum ea ratione niritur explorare, quae pia mens fidei vivacitate apprehendit. Fides piorum credit, non discutit. Sed iste Deum habens suspectum credere non vult, nisi quod prius ratione discusserit. Cumque Propheta dicat: *nisi credideritis non intelligetis* (see above note 11): iste fidem voluntariam nomine redarguit levitatis, abutens isto Salomonis testimonio: *qui credit cito, levis est corde* (Sirac. xix. 4.) Bernard has stated and refuted in detail Abaelard's errors in the Tractatus de erroribus P. Abaelardi ad Innocentium II. (in edit. Mabill. iv. 114 ss. in the older edition, epist. 190); more shortly in the XIX. capitula errorum Abael., s. in du Plessis d'Argentré collectio judiciorum de novis erroribus i. 21. E.g. I. Quod Pater sit plena potentia, Filius quaedam potentia, Spiritus sanctus nulla potentia. II. Quod Spiritus sanctus non sit de substantia Patris aut Filii. III. Quod Spiritus sanctus sit anima mundi. VI. Quod liberum arbitrium per se sufficit ad aliquod bonum. VII. Quod ea solummodo possit Deus facere vel dimittere, vel eo modo tantum, vel eo tempore, quo facit, et non alio. X. Quod non peccaverunt, qui Christum ignorantes crucifixerunt; et quod non culpa adscribendum est, quicquid fit per ignorantiam. XII. Quod potestas ligandi atque solvendi Apostolis tantum data sit, non successoribus. XIII. Quod propter opera nec melior nec pejor efficiatur homo. XIX. Quod nec opus, nec voluntas, neque concupiscentia, neque delectatio, cum movet eam, peccatum sit, nec debemus velle eam extinguere. On the other side see Abaelardi apologia s. confessio, or epist. xx. (Opp. p. 330 and in Bulaeus ii. 196.) Compare Cramer's Opinion vi. 428.

²⁴ The acts are not to be found. Cf. Episcoporum Galliae ep. ad Innocentium II. (written by Bernard; among his letters ep. 370):—Cum per totam fere Galliam in civitatibus, vicis et castellis, a Scholaribus non solum intra scholas, sed etiam triviatim; nec a literatis aut provectis tantum, sed a pueris et simplicibus, aut certe stultis, de s. Trinitate, quae Deus est, disputaretur: insuper alia multa ab eisdem absona prorsus et absurda, et plane fidei catholicae, sanctorumque Patrum auctoritatibus obviantia proferrentur: cumque ab his, qui sane sentiebant,—saepius admoniti corriperebantur; vehementius convalescebant, et auctoritate magistri sui Petri Abaelardi—sese magis ac magis armabant.—Verum dominus Abbas Claraevallis—hominem convenit, et ut auditores suos a talibus compesceret, librosque suos corrigeret, amicabilem satis ac familiariter illum admonuit.—Quod Mag. Petrus minus patienter et nimium aegre ferens, crebro nos pulsare coepit, nec apte voluit desistere, quoad dominum Claraevallensem Abbatem—Senonis ante nostram submonuimus venire praesentiam, quo se vocabat et offerebat paratum Mag. Petrus ad probandas et defendendas, de quibus illum dom. Abbas Claraev.—reprehenderat, sententias. Ceterum dominus Abbas nec ad assignatum diem se venturum, nec contra Petrum sese disceptaturum nobis remandavit. (cf. Bernard. epist. 189)

confinement in a monastery,²⁵ but Peter the Venerable, Abbot

ad eundem : Abnui tum quia puer sum, et ille vir bellator ab adolescentia : tum quia judicarem indignum, rationem fidei humanis committi ratiunculis agendam, quam tam certa ac stabili veritate constat esse subnixam. Dicebam, sufficere scripta ejus ad accusandum eum etc.) However for truth's sake Bernard consented, and the Council was opened in the presence of King Lewis. Quid multa ? Dominus Abbas cum librum theologiae Mag. Petri proferret in medium, et quae annotaverat absurda, inno haeretica plane capitula de libro eodem proponeret, ut ea magister Petrus vel a se scripta negaret, vel si sua fateretur, aut probaret, aut corrigeret : visus est diffidere Mag. Petrus Abael. et subterfugere, respondere noluit, sed quamvis libera sibi daretur audientia, tutumque locum et aequos haberet iudices, ad vestram tamen, sanctissime Pater, appellans praesentiam, cum suis a conventu discessit. Nos autem, licet appellatio ista minus canonica videretur (epist. 189. appellans ab electis iudicibus, quod non putamus licere), sedi tamen apostolicae deferentes, in personam hominis nullam volumus proferre sententiam. Even in this account there are grounds for believing that the representation of this Council, by Berengarius Scholasticus, a disciple of Abaelard, in his *Apologeticus pro magistro contra Bernardum Claraevall.* (in *Abael. op.* p. 302 ss. *Bulaeus* ii. 182) is not altogether an untrue one : Denique post prandium allatus est liber Petri, et cuidam praeceptum est, ut voce clamosa Petri opuscula personaret.—Inter haec salutantur cyphi, pocula celebrantur, laudantur vina, Pontificum guttura irrigantur.—Denique cum aliquid subtile divinumque sonabat, quod auribus pontificalibus erat insolitum, audientes omnes dissecabantur cordibus suis, et stridebant dentibus in Petrum,—*hoc*, inquit, *sineremus vivere monstrum ?*—Vini calor ita incesserat cerebris, ut in somni lethargiam oculi omnium solverentur. Inter haec sonat lector, stertit auditor. Alius cubito innititur, ut det oculis suis somnum, alius super molle cervical dormitionem palpebris suis molitur, alius super genua caput reclinans dormitat. Cum itaque lector in Petri satis aliquod reperiret spinetum, surdis exclamabat auribus Pontificum : *Damnatis ?* Tunc quidam vix ad extremam syllabam expergefati, somnolenta voce, capite pendulo, *Dannamus*, aiebant. Alii vero damnantium tumultu excitati, decapitata prima syllaba, *namus* inquit. Vere natis, sed natatio vestra procella, natatio vestra mersio.—Qui vigilaverat in lege Domini die ac nocte, nunc damnatur a sacerdotibus Bacchi.—Intra tot itaque et tantas angustias deprehensus Abaelardus ad Romani examinis confugit asylum.

²⁵ Innoc. epist. ad Archiepisc. et Episc. Among Bernard's letters epist. 194 in *Abael. opp.* p. 299, in *Mansi* xxi. 564. Together with this public letter there arrived also a secret one to the Archbishop of Rheims and Sens (*Abael. opp.* p. 301. *Mansi* l. c.) with instructions, quatenus Petrum Abaelardum et Arnaldum de Brixia, perversi dogmatis fabricatores, et catholicae fidei impugnatores, in religiosis locis,—separatim faciatis includi, et libros erroris eorum, ubicumque reperti fuerint, igne comburi.

of Cluny, secured him a place of refuge,²⁶ where he died soon after († 1142.)²⁷

Not long afterwards Bernard had a similar conflict to sustain with Gilbert de la Porret, who had at one time lectured in Paris, and now as Bishop of Poitiers gave offence to some of his clergy, by his unusual assertions.²⁸ At the Council of Rheims (1148) nothing but the jealousy of the Cardinals towards Bernard rescued him from Abelard's fate.²⁹

²⁶ Petri Ven. epist. ad Innocentium II. (lib. iv. ep. 4. in Bibl. PP. Lugd. xxii. 907 in Abael. opp. p. 335) records the reconciliation brought about by him and the Abbot of Cîteaux. between Bernard and Abelard, and begs for a safe retreat and protection for the latter at Cluny.

²⁷ Petri Ven. epist. ad Heloisam (lib. iv. ep. 21. in Bibl. PP. l. c. p. 922 in Abael. opp. p. 337) contains the tidings of Abelard's death (ille tuus saepe ac semper eum honore nominandus, servus ac vere Christi Philosophus Mag. Petrus.) Heloise prayed that the body might be given up to her, that she might bury him in Paracletus (epist. ad Petrum Ven. in Abael. opp. p. 343) with the request: Placeat etiam vobis mihi sigillum mittere, in quo Magistri absolutio literis apertis contineatur, ut sepulchro ejus suspendatur. Peter granted both her desires (ep. ad Helois. l. c. p. 344.) The absolution is given in these words: Ego Petrus Cluniacensis Abbas, qui Petrum Abael. in Monachum Cluniacensem recepi, et corpus ejus furtim delatum Heloisae Abbatissae et Monialibus Paracleti concessi, auctoritate omnipotentis Dei et omnium sanctorum absolvo eum pro officio ab omnibus peccatis suis.

²⁸ Concerning him cf. Otto Frising. de gestis Frid. lib. i. c. 46. 50—54. 56. 57. Gaufridi Mon. Claraevall. epist. ad Episc. Albanensem de rebus gestis in causa Gilberti Porretani in the acts of the Conc. Rhem. in Mansi xxi. 728. Cramer vi. 530. Neander's der heil. Bernhard s. 217. 305. Ritter iii. 437.—The charges against him brought before the Pope by his two Archdeacons (in Otto Fris. l. c. cap. 50, according to him also as matters of lesser importance: Quod meritum humanum attenuando, nullum mereri diceret praeter Christum; and Quod Ecclesiae sacramenta evacuando diceret, nullum baptizari nisi salvandum) could not be proved at the Council of Paris in 1147: for this reason Eugenius III. referred the cause to the Council of Rheims, and commissioned a certain Abbot Gottschalk to examine the work of Gilbert which was especially denounced, his comm. in Boëtium de s. Trinitate (in opp. Boëtii. Basil. 1570 p. 1128) with reference to those charges.

²⁹ The four Capitula drawn from that commentary which were here brought forward, are given in part differently by Gaufridus l. c. Otto Fris. l. c. cap. 50. Matth. Paris ann. 1119 p. 67. Vasquez seems to state them most accurately from an old manuscript, in his Comm. in Thomam P. 1. disp. 120. cap. 2, and from him Duplessis d'Argentré

These examples taught men prudence : henceforth speculative theologians began to confirm their logical reasonings by the authority of Holy Scripture, and the Fathers. In this manner wrote the two sententiarii Robert Pulleyn (lecturer in theology

coll. judic. i. 39. I. Quod divina natura, quae divinitas dicitur, Deus non sit, sed forma, qua Deus est : quemadmodum humanitas homo non est, sed forma, qua est homo. II. Quod, cum Pater et Filius et Spiritus sanctus unum esse dicuntur, nonnisi una divinitate esse dicantur : nec converti possit, ut unus Deus, vel una substantia, vel unum aliquid Pater et Filius et Spiritus sanctus esse dicantur. III. Quod tres personae tribus unitatibus sint tria ; et distinctae proprietates tribus, quae non sunt ipsae personae ; sed sunt tres aeternae, et ab invicem a divina substantia in numero differentes (Matth. Paris : divisae numero et divisae substantia.) IV. Quod Natura divina non sit incarnata. After a long and fruitless discussion, Bernard in the name of the French Bishops, brought in the following confession of faith, in opposition to those Capitula. (Otto Frising. l. c. cap. 56) : (I.) Credimus simpliciter naturam divinitatis esse Deum, nec aliquo sensu catholico posse negari, quin Divinitas sit Deus, et Deus Divinitas. Si vero dicitur, Deum sapientia sapientem, magnitudine magnum, aeternitate aeternum, unitate unum, divinitate Deum esse, et alia hujusmodi : credimus, nonnisi ea sapientia, quae est ipse Deus, sapientem esse, nonnisi ea magnitudine, quae est ipse Deus, magnum esse, nonnisi ea aeternitate, quae est ipse Deus, aeternum esse, nonnisi ea unitate, quae ipse est, unum esse, nonnisi ea divinitate Deum, quae est ipse : id est seipso sapientem, magnum, aeternum, unum, Deum. (II.) Dum de tribus personis, Patre et Filio et Spiritu sancto loquimur, ipsas unum Deum, unam divinam substantiam fateamur esse. Et e converso, cum de uno Deo, una divina substantia loquimur, ipsum unum Deum, unam divinam substantiam esse tres personas profitemur. (III.) Credimus solum Deum Patrem, et Filium, et Spiritum sanctum aeternum esse, nec aliquas omnino res, sive relationes, sive proprietates, sive singularitates vel unitates dicantur, et hujusmodi alia adesse Deo, quae sint ab aeterno, et non sint Deus. (IV.) Credimus ipsam Divinitatem, sive substantiam divinam, sive naturam divinam dicas, incarnatam, sed in Filio esse. When this confession of faith was presented to the Pope the Cardinals felt themselves greatly wronged. See their expressions above § 51, note 16. Further : Sed quid fecit Abbas tuus et cum eo Gallicana ecclesia ? Qua fronte, quo ausu cervicem contra Romanae sedis primatum et apicem erexit ? Haec est enim sola, quae claudit et nemo aperit, aperit et nemo claudit. Ipsa sola de fide catholica discutere habens, a nullo, etiam absens, in hoc singulari honore praejudicium pati potest etc. Bernard was obliged to humble himself, on the three last Capitula nothing was decided : de primo tantum Romanus Pontifex definivit, ne aliqua ratio in theologia inter naturam et personam divideret, neve Deus divina essentia diceretur ex sensu ablativi tantum, sed etiam nominativi ;—Episcopus vero praemisam summi Pontificis sententiam reverenter excipiens, archidiaconibus suis in

at Paris and Oxford, from 1144 Cardinal, † about 1150),³⁰ and Peter Lombard, Magister Sententiarum, who for centuries held undivided sway (lecturer in theology at Paris, from 1159 Bishop of Paris, † 1164.)³¹

gratiam receptis, cum ordinis integritate, et honoris plenitudine ad propriam dioecesim remeavit. In the far parts of Germany, this matter was even related as follows (chron. Montis Sereni ad ann. 1148, in Mencken scriptt. rer. Germ. ii. 181): in Concilio Remensi magister Giselbertus scripta sua, quae a quibusdam calumniabantur, auctoritate ss. Patrum magnifice defendit.

³⁰ Even Bernard ep. 205 praises him, ob sanam doctrinam (cf. epist. 334.)—His Sententiarum libb. viii. ed. Hugo Mathoud e Congr. s. Maur. Paris. 1655. 4. A full abstract in Cramer vi. 442.

³¹ Libri iv. sententiarum. Among the numerous editions the best are those of Louvain, ex rec. Joh. Aleaume 1546. fol. 1553. 1576. 4. Auszug b. Cramer vi. 586. Comp. Ritter iii. 474. From the remarkable agreement of this work with Bandini sententiarum libb. iv. (ed. Bened. Chelidonium, Viennae 1519. fol. Lovan. 1557. 8. Latein. Auszug b. Cramer vi. 851) Chelidonium and Cramer vi. 846 conclude that Lombard revised Blandinus. Pez (Thesaur. anecd. T. I. diss. isagog. p. xlv. ss.), Schröckh (xxviii. 48) and Rettberg (Comparatio inter mag. Bandini libellum et Petri Lomb. sent. Göttinger Weihnachtsprogr. 1834), that the latter epitomized the former. Perhaps Bandinus the jurist in Bologna († 1218, see Savigny's Gesch. d. Röm. Rechts im Mittelalter iv. 332) composed this abstract to facilitate for jurists their necessary acquaintance with dogmatic theology. In the preface Peter Lombard states the aim of his work to be this, fidem nostram adversus errores carnalium atque animalium hominum—munire, vel potius munitam ostendere, ac theologicarum inquisitionum abdita aperire, necnon et sacramentorum ecclesiasticorum—notitiam tradere: and protests, in labore multo ac sudore volumen—compegimus ex testimoniiis veritatis in aeternum fundatis,—in quo majorum exempla doctrinamque reperies. Nevertheless Lombard was accused by his scholar Johannes Cornubiensis (especially in the Eulogium ad Alex. P. iii. quod Christus sit aliquis homo in Martene et Durand thesaur. anecd. v. 1655, which appeared in 1175) for teaching, quod Christus non sit aliquid, secundum quod est homo (how far justly see Cramer vii. 1): and Alexander III. condemned the doctrine in 1179, quia, sicut verus Deus, ita verus est homo ex anima rationali et humana carne subsistens. Gualterus de S. Victore renewed this charge of Nihilianismus. On the other hand the opposition of Joachim Abb. Florensis, to Lombard's doctrine of the Trinity, was condemned at the Lateran Council of 1215, see Engelhardt's Kirchengesch. Abhandl. s. 263. But about 1300 more than sixteen articles were collected by the divines of Paris, in quibus Magister Sententiarum non tenetur communiter ab omnibus. cf. d'Argentré collect. judic. i. 112. Schröckh xxviii. 527.

The school which William of Champeaux, after he had given way to Abelard, founded in 1109, together with the monastery of St Victor in a suburb of Paris, maintained a peculiar character. The teachers of this school thus distinguished themselves, by the union of Scholasticism and Mysticism, refraining both from onesided excess, they endeavoured to impart to the former warmth and practical significance, to the latter light and knowledge of itself.³² This intention is most plainly express in the writings of Hugo a St Victore († 1141), the most eminent of the Victorines (alter Augustinus, lingua Augustini).³³ Richard a St Victore, Prior of the monastery († 1173),³⁴ inclined more to the mystical views: by him was made the first attempt, to determine scholastically the degrees of mystical intuition. His successor Walter a St Victore, about 1180, impetuously attacked the most celebrated Schoolmen;³⁵ but he made no impression because of his palpable extravagancies.

³² Schlosser über den Gang d. Studien in Frankreich, vorzüglich v. d. Schule zu St Victor: in dess. Vincent v. Beauvais Hand und Lehrbuch. Franckf. a. M. 1819. ii. 1. Liebner's Hugo v. St Victor. s. 1.

³³ Among the numerous works attributed to him (best edition Rotomagi 1648. 3 voll. fol.) many are not his (cf. Oudin. comm. de scriptt. eccl. ii. 1138. Hist. littér. de la France xii. 7.) His Summa sententiarum is in Hildeberti opp. ed. A Beaugendre, Paris. 1708. fol. printed also by mistake as a work of Hildebert of Tours, under the title Tractatus theologicus, see Liebner in d. Theol. Studien u. Krit. 1831. ii. 254. His most important theological work is De Sacramentis christianae fidei lib. ii., an entire body of doctrine, given in abstract by Cramer vi. 792. On his leaning to Mysticism see Schmid. d. Mysticismus des Mittelalters s. 282.—cf. Ch. G. Derling Hugo a s. Vict. Helmst. 1745. 4. Schlosser e.g. s. 37. Ritter iii. 507. Helfferich's christl. Mystik i. 350. D. Alb. Liebner's Hugo v. St Victor u. die theol. Richtungen seiner Zeit. Leipz. 1832.

³⁴ Among his many works (ed. Rotomagi 1650. fol.) the following are of greatest note: De statu interioris hominis tractt. iii.; Benjamin minor de praeparatione animi ad contemplationem, s. de XII. Patriarchis; Benjamin major de gratia contemplationis, s. de arca mystica libb. v.; De trinitate libb. vi. Comp. Schröckh xxix. 275. Schmid e.g. s. 308. Ritter iii. 547. Helfferich i. 429. Engelhardt's Richard v. St Victor und Johannes Ruysbroek, Erlangen 1838. C. Th. A. Liebner Richardi a S. Victore de contemplatione doctrina Partes ii. 4 (Göttinger Osterprogr. 1837 and Weihnachtspr. 1839.)

³⁵ The title of his work commonly given is this: *Contra quatuor labyrinthos Galliae*: it is properly: *Contra manifestas et damnatas*

For the sake of dialectic theology, which was considered the highest aim in the province of knowledge, the liberal arts were neglected as the first preparatory steps. The monastic schools were mostly closed,³⁶ the Cathedral schools sank into obscurity, although the Popes took them in some measure under their

etiam in conciliis haereses, quas sophistae Abaelardus, Lombardus, Petrus Pictavinus et Gilbertus Porretanus libris sententiarum suarum acunt, limant, roborant. There are extracts in Bulaei hist. Univ. Paris. ii. 200 s. 402 ss. 562 ss. 629—660. A representation of its purport according to the Paris MS. is given by A. Planck in d. Theol. Studien u. Krit. 1844. iv. 823. In the prologue (l. c. p. 402) we find: Quisquis hoc legerit, non dubitabit, iv. labyrinthi Franciae i. e. Abaelardum et Lombardum, Petrum Pictav. et Gilbertum Porret. uno spiritu Aristotelico afflatus, dum ineffabilia Trinitatis et incarnationis scholastica levitate tractarent, multas haereses olim vomuisse, et adhuc errores pullulare. Further (p. 200): Quaeris, quid sit Labyrinthus, quo clausus fuit Minotaurus? Quaeris, quid sit [Minotaurus]? Non homo, non pecus est; pecus est, homo est, neutrumque. Quaeris, quorsum ista? talis Christus eorum, phantasticus est Deus ipsorum. Non homo, non Deus est; Deus est, homo est, neutrumque. Atque unusquisque Samarita fabricat sibi Deum. Tu vero, Christiane, verus veri Dei Israelita, fuge vitulos aureos, quos isti de cordibus suis impie Christianis proponunt. Exsuffla, inquam, istorum disputationes subtilissimas quidem, ac si araneorum telas putidas et prorsus inutiles, in quibus cum vitulis Samariae et Daemones ludunt, solaeque muscae gannientes i. e. filii perditionis illaqueantur ad mortem. Lib. iv. at the end (p. 659): Nos tamen illorum atomos et regulas philosophorum et quid et aliquid et caetera hujusmodi ridicula contemnimus et excommunicamus, dicentes cum Apostolo: *Si quis aliud dixerit, praeterquam evangelizavimus vobis, licet nos, licet Angelus, licet Petrus, anathema sit.* Non enim in divinis Scripturis hujusmodi deliramenta alieni inventiuntur. Ideo licet nihil sit subtilius telis araneorum, nihil acutius acuminibus aristarum, qualia sunt ingenia et argumenta Daemoniorum per ora haereticorum, tamen *Catholicis*, ut ait Ambrosius in Hexaëem., *exsufflante potius quam legenda, quoniam omne quod natum est ex Deo, inquit, vincit mundum.* Et haec est victoria, quae vincit mundum, fides nostra, qua Patrem, et Filium Jesum Christum cum pelle et carnibus, ossibus et nervis, anima et mente et totius hominis veritate, et Spiritum sanctum non opinamur, sed incunctanter credimus, tenemus, adoramus, unde Deus per omnia saecula saeculorum. Amen. Comp. Schlosser e. g. S. 60 ss.

³⁶ Before this time Desiderius, since 1058 Abbot of Montecassino, had closed the schools of this monastery, and *Petrus Damiani lib. ad Desiderium* says with reference to this: Inter caeteros virtutum flores, quos in illo agro pleno, cui benedixit Dominus, in Cassino Monte reperi, fateor, hoc mihi non medioeriter placuit, quod ibi scholas puerorum, quae saepe rigorem sanctitatis enervant, non inveni. Thus Peter Venerabilis closed the school in Cluny, and at the same time in all the Cluniac monasteries, Lorain essai hist. sur l'Abbaye de Clugny

protection.³⁷ Even at this time John of Salisbury (the friend of Thomas a Becket, about 1176, Bishop of Chartres † 1182)³⁸ perceived how Scholasticism degenerates into empty formalism,³⁹

p. 30. F. Cramer's *Gesch. d. Erziehung u. d. Unterrichts in d. Niederlanden während d. Mittelalters*, Stralsund 1843, s. 143.

³⁷ cf. Decretal. Gregor. p. ix. lib. v. tit. v. de magistris and Böhmer's notes thereto. The benefices of a magister scholarum were lost in the case of many cathedrals, and in others misused, to make the licentia docendi marketable. Accordingly Alexander III. decreed in Conc. Lateran. iii. ann. 1179: per unamquamque cathedralem Ecclesiam magistro, qui clericos ejusdem Ecclesiae et scholares pauperes gratis doceat, competens aliquod beneficium praebetur. Pro licentia vero docendi nullus omnino pretium exigit (l. c. cap. 1.) Innocent III. in Conc. Later. iv. ann. 1215 not only renewed that decree, because it had not been generally observed, but commanded also that in the collegiate churches, such a master should be appointed, qui clericos Ecclesiarum ipsarum gratis in grammatica facultate ac aliis instruat juxta posse. Besides, the Metropolitan see was to have a divine, qui sacerdotes et alios in sacra pagina doceat, et in his praesertim informet, quae ad curam animarum spectare noscuntur (l. c. cap. 4.)

³⁸ Concerning him *Histoire litt. de la France* xiv. 89. Ritter iii. 605. Johannes v. Salisbury von H. Renter, Berlin 1842. His works were *Policraticus* s. *de nugis Curialium et vestigiis Philosophorum* libb. viii.; *epistolae* 303 (both found also in *Bibl. pp. Lugd. xxiii. 242*); *Metalogicus*, libb. iv. (published in 8. with the *Policrat.* at Paris 1610, and *Lugd. Bat.* 1610); *Entheticus* de dogmate philosophorum prim. editus a Chr. Petersen, Hamburgi 1843.

³⁹ *Metalog.* lib. i. c. 3 describes the school of a certain Cornificius; Poëtae, historiographi habebantur infames, et si quis incumbere laboribus antiquorum, notabatur, et non modo asello Arcadiae tardior, sed obtusior plumbo vel lapide, omnibus erat in risum. Suis enim aut magistri sui quisque incumbere inventis. Nec hoc tamen diu licitum, cum ipsi auditores in brevi—spreitis his, quae a doctoribus suis audierant, cederent et conderent novas sectas. Fiebant ergo summi repente philosophi: nam qui illiteratus accesserat, fere non morabatur ulterius in scholis, quam eo curriculo temporis, quo avium pulli plumescunt.—Sed quid docebant novi doctores, et qui plus somniorum quam vigiliarum in scrutinio philosophiae consumpserant?—Ecce nova fiebant omnia: innovabatur grammatica, immutabatur dialectica, contemnebatur rhetorica, et novas totius quadrivii vias, evacuatis priorum regulis, de ipsis philosophiae adytis proferebant: solam convenientiam sine ratione loquebantur: argumentum sonabat in ore omnium, et asinum nominare vel hominem aut aliquid operum naturae instar criminis erat, aut ineptum nimis aut rude et a philosopho alienum.—Ex arte et de arte agere idem erat. Lib. ii. c. 6: Indignantur ergo puri philosophi, et qui omnia praeter logicam dedignantur, aequae grammaticae ut physicae expertes et ethicae, et me improbum, obtusum, et caudicem, aut lapidem erimantur. Lib. ii. c. 8: Ut ait Seneca in i. Declam. *Nihil est odibilius subtilitate, ubi nihil aliud est quam subtilitas; et ad Lucilium: Nihil est acutius arista, sed haec ad quid utilis?*

because it withholds from its disciples all material knowledge, without however being able to give another direction to the stream by his appropriate suggestions.

§ 74.

SECOND PERIOD OF SCHOLASTIC THEOLOGY DOWN TO DURANDUS DE S. PORCIANO ABOUT 1320.

The schoolmen of the twelfth century had only the Organon of Aristotle in Boethius' Latin translation, and their philosophical treatment of Dogmatic theology was purely logical. On the other hand all the works of Aristotle were translated into Arabic: The study of his philosophy flourished especially after the time of

tale utile est illud ingenium, quod sola subtilitate lasciviens, nulla residet gravitate. Unde, ut idem scribit c. 7, fiunt in puerilibus Academici senes; omnem dictorum aut scriptorum excutiunt syllabam, inmo et literam, dubitantes ad omnia, quaerentes semper et nunquam ad scientiam pervenientes, tandemque convertuntur ad vaniloquium: ac nescientes quid loquantur, aut de quibus asserant, errores condunt novos, et antiquorum aut nesciunt aut dedignantur sententias imitari. There is much also on this head in Policraticus lib. vii. c. 7—14. Compare Stephani Episc. Tornacensis († 1200) epist. 251 ad Coelestinum iii. (s. § 60. not. 10): *Lapsa sunt apud nos in confusionis officinam sacram studia literarum, dum et discipuli solis novitatibus applaudunt, et magistri gloriae potius invigilant quam doctrinae: novas recentesque summulas et commentaria firmantia super theologia passim conscribunt, quibus auditores suos demulceant, detineant, decipiant, quasi nondum suffecerint sanctorum opuscula Patrum, quos eodem Spiritu sacram Scripturam legimus exposuisse, quo eam composuisse credimus Apostolos et Prophetas.*—Disputatur publice contra sacras constitutiones de incomprehensibili Deitate; de incarnatione Verbi Dei verbosa caro et sanguis irreverenter litigat; individua Trinitas in triviis secatur et discerpitur; ut tot jam sint errores quot doctores, tot scandala quot auditoria, tot blasphemiae quot plateae. Then follow complaints of the perplexing number of the Decretals. *Vae duo praedicta sunt, et ecce restat tertium vae. Facultates, quas liberales appellant, amissa libertate pristina in tantam servitutem devocantur, ut comatuli adolescentes earum magisteria impudenter usurpent, et in cathedra seniorum sedeant imberbes; et qui nondum noverunt esse discipuli, laborant ut nominentur magistri. Conscribunt et ipsi summulas suas, pluribus salivis affluentes et madidas, philosophorum sale nec conditas nec conditas. Omissis regulis artium, abjectisque libris authenticis artificum, muscas inanium verbulorum sophismatibus suis, tanquam aranearum*

Avicenna (Ibn Sina † 1036), as well in the Moorish schools¹ in Spain as in general under the Arabian sway. It received a fresh impulse² in the beginning of the thirteenth century, from the new translation and commentary, with which Averrhoës (Ibn Roshd † about 1217) illustrated the works of Aristotle. Ever since the middle of the twelfth century pilgrimages³ to those seats of learning, from western Christendom, grew continually more common. It was natural that here also the attention and desires of men should turn to the remaining portions of Aristotelic philosophy. Soon they began to translate into Latin,⁴ the works of the Arabian Aristotelians; these they considered to be faithful representations of the Aristotelic philosophy, although in parts, as for instance the writings of Al-gazel († 1127), they were strongly infused with neoplatonic⁵ ideas. The high estimation in which Aristotle was already held as a logician won for this natural philosophy, supposed to be Aristotelian, an easy entrance into western Christendom.

tendiculis includunt. Clamat philosophia, vestes suas conscindi et dirumpi e.c. Comp. Schlosser e.g. S. 64 ss.

¹ Wachler's *Gesch. d. Literatur*. ii. 95, 113.

² On the Arabian philosophy see Tenneimann viii. 1, 362. *Documenta philosophiae Arabum ex codd. mss.* ed. D. Aug. Schmoelders, Bonnæ 1836. His *Essai sur les écoles philos. chez les Arabes, et notamment sur la doctrine d'Algazzali*, Paris 1842. H. Ritter's *Gesch. d. christl. Philosophie* iii. 663.

³ *Caesaris Heisterbacensis* (about 1225) *de miraculis et visionibus sui temporis* lib. v. c. 4: plures ex diversis regionibus scholares in eadem civitate (Toleti) studebant in arte necromantica, among them also were juvenes aliqui de Suevia et Bajoaria.

⁴ Jo. Launcji *de varia Aristotelis in Acad. Paris. fortuna*, Paris. 1662. 8. denuo ed. J. H. ab Elswich. Vitemb. 1720. 8. An entirely new light has been thrown upon this subject in Jourdain *recherches critiques sur l'âge et l'origine des traductions latines d'Aristote, et sur des commentaires grecs ou arabes employés par des docteurs scholastiques*. Paris 1819 (translated by Dr Stahr, Halle 1831) nouv. édit. revue et augm. 1843. Before this time, works on medicine, astronomy, and such subjects, had been translated from Arabic into Latin (Jourdain p. 97 ss.): Raymund, Archbishop of Toledo (1130—1150), was the first to cause the principal Arabic works on the Aristotelic philosophy, namely those of Avicenna, Algazel, and Alpharabius, to be translated by several learned men. (Jourdain p. 111 ss.)

⁵ Proofs of the existence of the doctrines of neoplatonic philosophy among the Mahometans may be seen in A. Tholuck's *die speculative Trinitätslehre des späteren Orients*, Berlin 1826. 8.

Still the first effects of this new wisdom must make it an object of the greatest suspicion. Whether the error of Simon of Tournay, teacher of theology in Paris about the year 1200, is to be explained by the influence of this philosophy, or to be regarded⁶ only as the blindness of a presumptuous dialectician, remains uncertain. But two other theologians⁷ were beguiled by it into Pantheistic errors. David⁸ of Dinant remained firm in a specu-

⁶ Two entirely different calumnious stories are told of him by Thomas Cantipratanus (see above, § 55, note 24) and Matthæus Paris ann. 1201, p. 206 (namely: O Jesule, Jesule, quantum in hac quaestione confirmavi legem tuam et exaltavi: profecto si malignando et adversando vellem, fortioribus rationibus et argumentis scirem illam infirmare, et deprimendo improbare.) On the other hand Henricus Gandavensis, Doctor of the Sorbonne about 1280, in his lib. de scriptt. eccles. c. 24 (in Fabricii biblioth. eccl. ii. p. 121) says merely: dum nimis—Aristotelem sequitur, a nonnullis modernis haereseos arguitur. Compare Cramer vii. 98. *Histoire littéraire de la France*. xvi. 388.

⁷ Amalric v. Bena, in Engelhardt's kirchengesch. Abhandlungen, Erlangen 1832, S. 251. On Amalric and David see Ritter's Gesch. d. christl. Philosophie iii. 625. Amalrich v. Bena, v. Dr C. U. Hahn, in d. Theol. Studien u. Krit. 1846. i. 184. Amalrich v. Bena u. David v. Dinant, v. Dr J. H. Krönlein in d. Theol. Studien u. Krit. 1847. ii. 271.

⁸ Krönlein e.g. S. 283 rightly opposes the common opinion that David of Dinant was Amalric's pupil. Compare Chron. anonymi Laudun. Canonici, a contemporary, in Bouquet rerum Gall. scriptt. continued by Brial xviii. 714: Almaricus vir quidem subtilissimus, sed ingenio pessimus fuit: in omnibus facultatibus, in quibus studebat, aliis contrarius inveniebatur. Item sciendum, quod iste Magister Almaricus fuit cum domino Ludovico primogenito Regis Francorum, quia credebatur vir esse bonae conversationis et opinionis illaesae. Magister vero David, alter haereticus, de Dinaunt, hujus novitatis inventor, circa Papam Innocentium conversabatur, eo quod idem Papa subtilitatibus studiose incumberebat. Erat enim idem David subtilis ultra quam deceret, ex cuius quaternis, ut creditur, magister Almaricus et caeteri haeretici hujus temporis suum hausere errorem. Thomas Aquin. Summa theol. P. i. qu. iii. art. 8 makes an express distinction between their opinions, here he enumerates three errors with regard to the Being of God: Alii autem dixerunt, deum esse principium formale omnium rerum, et haec dicitur fuisse opinio Almaricanorum. Sed tertius error fuit David de Dinando, qui stultissime posuit, Deum esse materiam primam. So the Synod of Paris in 1209 condemned David's work at the same time with Amalric: not as was hitherto believed, because David was Amalric's pupil, but because Amalric had drawn his errors from David's work. Besides, according to that chronicle, David seems not to have been a teacher in Paris, but to have maintained himself at the Papal Court, and in 1209 he was certainly dead.

lative Pantheism;⁹ Amalric of Bena, teacher of theology in Paris († 1205) advanced from this platform, to deny many of the doctrines¹⁰ of the Church: The followers of this last, against

⁹ On this point Albertus Magnus was the great authority, from whom Thomas Aquinas derived his knowledge of this theory. Albertus seems to have been acquainted with a work of David's *de totius h. e. de divisionibus*, which he quotes, *Summa Theol. P. i. tract. iv. qu. 20. membr. 2. quaest. incidens*. Compare his *Summa theol. P. i. tract. vi. qu. 29. membr. 1. art. 2: Sunt quidam haeretici dicentes, Deum et materiam primam et noun sive mentem idem esse. Quod sic probant: Quaecunque sunt, et nullam differentiam habent, eadem sunt. Idem enim est, ut dicit, Aristoteles vii. topicorum, quod non differt differentia. Deus, nous et materia prima sunt, et nullam differentiam habent: ergo eadem sunt. Quod autem haec tria sint et plura principia rerum, ex hoc volebant probare, quod res sint triplices, scilicet materiales, spirituales et divinae, nec ex uno principio proprio formabiles. Primum ergo principium formationis materialium est materia, ut dicunt; et primum principium formationis spiritualium, in quibus principium vitae est, dicunt, quod est nous, sive mens. Dicunt enim, quod omnia, quae sunt in uno genere, ex uno aliquo principio simplici formantur, ut patet in omnibus generibus entis, scilicet substantia, quantitate, qualitate, et sic de aliis. Similiter divinum esse multiplex est, ut dicunt, et necesse est, quod ex aliquo uno formetur principio, et hoc dicunt esse Deum. Haec ergo tria sunt simplicia prima: et si sunt simplicia, nullam differentiam habent: quaecunque enim habent differentias, sunt composita. Et sic suam volunt probasse intentionem. *Et in hoc errore fuit David De Dinanto*. David expressly draws upon the metaphysics and physics of Aristotle, and avails himself of his technical phraseology. See Krönlein S. 327, and other places.*

¹⁰ About him writes particularly the contemporary Gulielmus Armoricus or Brito (whose continuation of Rigord in Duchesne scriptt. rer. Gall. T. V. is printed by mistake as part of the same, so Rigord is often quoted here without claim) *de gestis Philippi Augusti ad ann. 1209* (in Bouquet rerum Gall. scriptt. fortges. v. Brial xvii. 83.) As early as 1204 Amalric was charged with having laid down, *quod quilibet Christianus teneatur credere, se esse membrum Christi, nec aliquem posse salvari, qui hoc non crederet*. He must have asserted this in some unusual sense; for he was condemned by the Pope, obliged to recant, and soon after died of chagrin. In the year 1209, however doctrines still more offensive appeared among his disciples, the blame of which was laid upon him. The Council of Paris ann. 1209, thus states their heresies (Martene thes. anecd. iv. 163): *Pater a principio operatus est sine Filio et Spiritu sancto usque ad ejusdem Filii incarnationem.—Pater in Abraham incarnatus, Filius in Maria, Spiritus sanctus in nobis quotidie incarnatur.—omnia unum, quia quicquid est, est Deus.—Tum Deus visibilibus erat indutus instrumentis, quibus videri poterat a creaturis, et accidentibus videri poterat extrinsecis. Hoc siquidem errore decepti, corpus Christi ante verborum prolationem visibilibus panis accidentibus subesse*

whom a Synod of Paris in 1209 commenced a bloody persecu-

conati sunt affirmare: cum e contra dicat auctoritas: *accedit Verbum ad elementum. et fit Sacramentum*. Quod sic exposuerunt: id quod ibi fuerat prius, formis visibilibus prolatione verborum subesse ostenditur. Item Filius incarnatus, i. e. visibili formae subjectus; nec aliter illum hominem esse Deum, quam unum ex eis cognoscere voluerunt. Item Spiritus sanctus in eis incarnatus, ut dixerunt, eis omnia revelabat: et haec revelatio nihil aliud erat, quam mortuorum resurrectio. Inde semetipsos jam resuscitados asserebant, fidem et spem ab eorum cordibus excluderant, se soli scientiae mentientes subjacere. Item de meritis praesumentes, gratiae derogantes, mentiti sunt, bonorum baptismatis non egere parvulos ex eorum sanguinibus propagatos, si suae conditionis mulieribus carnali possent copula misceri. Item Filius usque nunc operatus est, sed Spiritus sanctus ex hoc nunc usque ad mundi consummationem inchoat operari. Joh. Gerson de concordia metaphysicae cum logica (opp. ed. du Pin iv. 826) draws his statements with regard to Almaricus from the Commentary of the Cardinal Ostiensis (about 1260) on Decret. Greg. lib. i. tit. 1. cap. 2 § reprobanus, and from the chronicon. of Martini Poloni. The first appear to be the most important: because Henricus Ostiensis wisht to have them immediately from Odo Episc. Tusculanus, who as Episcopal Chancellor of Paris took an active part in the Conc. Paris. ann. 1209. The passage is not to be found in Ostiensis Summa, but probably in his Lectura, which according to a marginal note in the Summa ed. Basil. 1573 p. 2 he wrote after the Summa, and is given, more fully than in Gerson, in Jac. Thomasiai origines hist. philosophicae et ecclesiasticae, Halae 1699, p. 113: *Impii Almarici dogma istud colligitur in libro Magistri Joannis Scoti, qui dicitur Periphysion i. e. de natura. Quem secutus est iste Almaricus, de quo hic loquitur. Sed et dictus Joannes in eodem libro auctoritatis ejusdam Graeci nomine Maximi introduxit. In quo libro, qui et per magistros damnatus fuit Parisius, multae haereses continentur. Primus et summus error est, quod omnia sunt Deus. Unde dicit: motum Deo dare non possum: et sequitur: cum in ipso sunt omnia, et cum ipse sit omnia. Et alibi in eodem libro dicit, non facile posse negari, creaturam et creatorem idem esse. Secundus est, quod primordiales causae, quae vocantur ideae, i. e. forma seu exemplar, creant et creantur. Tertius est, quod post consummationem saeculi erit adunatio sexuum, sive non erit distinctio sexus, quam adunationem in Christo asserit incepisse. On this Gerson remarks: Praedictus Odo Tusculanus, qui fuerat Cancellarius Parisiensis, notaverat et damnaverat errores dicti libri, et ab hoc Odone dicit Hostiensis se praedictos errores accepisse. It is clear that the Card. Ostiensis is here quoting from the list of the heretical doctrines of Joh. Scotus, prepared by Odo, accordingly those propositions are taken word for word from Joh. Scotus de divinis naturae. However, Card. Ostiensis only produces them, to denote the heresies of Amalric, who drew from Joh. Scotus; and Gerson attributes these propositions immediately to Amalric. Martinus Polonus also (chron. ed. Antverp. 1571 p. 391 written 1271)*

tion, adopted the most immoral¹¹ habits, as inferences from his doctrine, and finally separated altogether from the Church, under the name of the sect of the Free Spirit. Accordingly a prohibition of Aristotle's works issued from that Synod in Paris¹²

takes the errors which he attributes to Amalric, expressly from that work : qui omnes errores inveniuntur in libro, qui intitulatur Periphyseon. Et hic liber inter alios libros condemnatos Parisiis ponitur, et is liber cum Almarico et suis sequacibus fuit Parisiis combustus. At any rate the heretical doctrines of the latter were drawn substantially from the work of Joh. Scotus, see Krönlein s. 287. But nothing could have been known of the moral perversion of the Almaricians in the year 1209, otherwise it would have been remarked and condemned by the Synod.

¹¹ Guilelmus Armoricus, who wrote in 1220, already asserts of them l. c. impudenter astruere nitebantur, quod potestas Patris duravit, quamdiu vixit lex Mosaica ; et quia scriptum est : *novis supervenientibus abjiciuntur vetera*, postquam Christus venit, aboleverunt omnia Testamenti veteris sacramenta, et vixit nova lex usque ad illud tempus. In hoc ergo tempore dicebant Testamenti novi sacramenta finem habere, et tempus s. Spiritus incepisse, quo dicebant confessionem, baptismum, eucharistiam, et alia, sine quibus salus haberi non potest, locum de caetero non habere, sed unumquemque tantum per gratiam Spiritus sancti interius, sine actu aliquo exteriori, inspiratam salvari posse. Caritatis virtutem sic ampliabant, ut id, quod alias peccatum esset, si in virtute fieret caritatis, dicerent jam non esse peccatum. Unde et stupra, et adulteria, et alias corporis voluptates in caritatis nomine committebant, mulieribus, cum quibus peccabant, et simplicibus, quos decipiebant, impunitatem peccati promittentes, Deum tantummodo bonum et non justum praedicantes. Caesarius Heisterbac. de miraculis lib. v. c. 22 (written in 1222) : Si aliquis est in Spiritu sancto, ajebant, et faciat fornicationem, aut aliqua alia pollutione polluat : non est ei peccatum, quia ille Spiritus, qui est Deus, omnino separatus a carne, non potest peccare : quamdiu ille Spiritus, qui est Deus, est in eo, ille operatur omnia in omnibus. Martinus Polonus chron. p. 395 adds this also to the heresies which Amalric is supposed to have adopted from Joh. Scotus : Dixerat etiam, quod in caritate constitutis nullum peccatum imputabatur. Unde sub tali specie pietatis ejus sequaces omnem turpitudinem committebant.

¹² In the Decree of this Synod, at which several priests were condemned to the stake (Martene thes. iv. 166) we find, Quaternuli Magistri David de Dinant infra Natale Episcopo Parisiensi afferantur et comburantur : nec libri Aristotelis de naturali philosophia, nec commenta legantur Parisius publice vel secreto. Et hoc sub poena excommunicationis inhibemus. On this remarks Guilelmus Armoricus ad ann. 1209 : in diebus illis legebantur Parisius libelli quidam ab Aristotele, ut dicebantur, compositi, qui docebant metaphysicam, delati de novo a Constantinopoli, et a Graeco in Latinum translati. Qui quoniam non solum praedictae haeresi sententiis subtilibus occasionem

in 1209, and in 1215 from a Papal Legate.¹³ However, when soon after this time, with the countenance of Princes also, the genuine works of Aristotle were translated into Latin,¹⁴ partly from Arabic versions, partly and especially, now that the Greek originals had been accessible since the conquest of Constantinople, from the Greek; men began to recognise the difference between Aristotle and his Arabian commentators. That prohibition was restrictive¹⁵ now only in form, but in fact quite forgotten, and after the year 1230 the supremacy of the Aristotelic philosophy in western Christianity was decisive.¹⁶

praebebant, immo et aliis nondum inventis praebere poterant, jussi sunt omnes comburi etc. The book of *causis* attributed to Aristotle, and the *fons vitae* of Avicenna, which at that time were included together under the common name of Aristotelic-natural-philosophy, were not, however, genuine works of Aristotle, but as Jourdain has shewn, p. 202 ss., works of Avicenna and Algazel.

¹³ See the *Statutum Roberti Presb. Cardinalis etc.* in Bulaeus iii. 81. *Et quod legant libros Aristotelis de dialectica, tam de veteri quam de nova, in scholis ordinariae et non ad cursum.*—*Non legantur libri Aristotelis de metaphysica et naturali philosophia, nec Summa de eisdem, aut de doctrina M. David de Dinant, aut Almarici haeretici, aut Mauricii Hispani.*

¹⁴ On the translators of the thirteenth century see Jourdain p. 130 ss. Among the Princes the Emperor Frederick II. Alphonso X. King of Castile, and Manfred, King of Sicily, caused many translations to be made. Compare particularly Frederick's letter to the University of Bologna (in *Petri de Vineis lib. iii. ep. 67*), with which he sends to it *compilationes varias, ab Aristotele aliisque philosophis sub graccis arabicisque vocabulis antiquitus editas*, by his directions, *per viros electos et in utriusque linguae prolatione peritos*, translated into the Latin language. See on this head, Jourdain p. 164 ss.

¹⁵ Gregorii IX. bulla ann. 1231 in Bulaeus iii. 140 ss.—*libris illis naturalibus, qui in Concilio provinciali ex certa causa prohibiti fuere, Parisius non utantur, quousque examinati fuerint, et ab omni errorum suspicione purgati.*

¹⁶ Rogeri Bacon opus majus (about 1266) P. i. c. 9. ed. Jebb. p. 14: *Scimus enim, quod temporibus nostris Parisiis diu fuit contradictum naturali philosophiae et metaphysicae Aristotelis per Avicennae et Averrois expositores, et ob densam ignorantiam fuerint libri eorum excommunicati, et utentes eis per tempora satis longa. Cum igitur—nos moderni approbamus viros praedictos,—et scimus quod omnis additio et cumulatio sapientiae, quas dederunt, sunt dignae omni favore, licet in multis alii diminuti sint, et in pluribus superflui, et in quibusdam corrigendi, et in aliquibus explanandi; manifestum nobis est, quod illi, qui per aetates singulas impediverunt documenta veritatis et utilitatis, quae oblata fuerint eis per viros praedictos, nimis erraverunt, et vitiosi*

The Dominicans and Franciscans especially, from the time that they first began to lecture publicly in Paris, sought to make their lectures attractive by a zealous profession of the Aristotelic philosophy; and thus, by applying it to Church teaching, they introduced the Second Period of Scholastic Theology.¹⁷ The characteristic of this period is this, it regarded Aristotle as a sure guide in all matters of secular knowledge, upon which Theology rests, while, at the same time it exalted itself above it.¹⁸ The liberal arts on the other hand sank still lower in public estimation.¹⁹

plurimum fuerunt in hac parte; sed hoc fecerunt propter scientiae extol-
lentiam et propter ignorantiam.—p. 36 s. Et licet alia logicalia et
quaedam alia translata fuerint per Boëtium de Graeco, tamen tempore
Michael Scoti, qui annis Domini 1230 transactis apparuit deferens
librorum Aristoteles partes aliquas de naturalibus et mathematicis cum
expositoribus sapientibus, magnificata est philosophia Aristotelis apud
Latinos. Michael Scotus was an astrologer at the court of Frederick
II. He made translations from Arabic, Jourdain p. 130 ss. Roger
Bacon gives his opinion of him (see Jebbi praef. ad opus majus):
Michael Scotus, ignarus quidem et verborum et rerum, fere omnia,
quae sub nomine ejus prodierunt, ab Andrea quodam Judaeo mutuatus
est.

¹⁷ Matth. Paris ann. 1243 p. 612: Ipsis quoque temporibus videlicet
post festum s. Michaelis, ut moris est, studiis scholarum et scholarium
reflorentibus, incipiebant magistri Theologiae, praecipue tamen praecipui
Praedicatorum et Minorum lectores, disputare et disserere subtilius et
celsius, quam decuit aut expedit. Qui non verentes tangere montes,
a gloria Dei opprimendi, nitebantur secreta Dei investigabilia temere
perscrutari, et judicia Dei, quae sunt abyssus multa, nimis praesump-
tuoze indagare etc.

¹⁸ In this unbounded admiration for Aristotle the Schoolmen followed
their masters, the Arabs.—Compare Averrhoe's procemium in Aristo-
telis Physica (Tennemann VIII. i. 422): Aristoteles tres scientias
invenit, Logicam, Naturalem, Divinam: et nullus error inventus in eo
est usque ad hoc tempus, quod est MD. annorum. Et talem
esse unum hominem, potius est miraculosum, quam humanum.
Aristoteles est regula et exemplar, quod natura invenit ad demon-
strandam ultimam perfectionem humanam. Aristotelis doctrina est
summa veritas, quoniam ejus intellectus fuit finis humani intel-
lectus. Quare bene dicitur, quod fuit creatus et datus nobis divina
providentia, ut sciremus, quicquid potest sciri. How far the School-
men advanced in this admiration is shown, by a poem written at
the end of the fifteenth century, by a Theologian at Cologne, de vita
et morte Aristotelis (reprinted in the Actis Philosoph. 15tes Stuck.
s. 345, ff.), mentioned by Corn. Agrippa de Nettesheim de vanitate
scientiarum cap. 54, where we find in a note (l. c. s. 369: Qui quidem

Alexander of Hales the Franciscan, in Paris (Doctor irrefragabilis † 1245)²⁰ formed the transition state to this second period. But the two Dominicans Albertus Magnus (Dominican monk from 1222 or 1223, Lecturer in Paris and Cologne, from 1260 to 1262, Bishop of Ratisbon, † at Cologne in 1280),²¹ and his far greater pupil, Thomas Aquinas (Doctor Angelicus, Lecturer in Paris and many Italian towns † 1274),²² whose system became

Aristoteles adeo necessarius fuit ante verbi Dei incarnationem, sicut necessario collatio gratiae praesupponit conditionem ipsius naturae: quia Aristoteles fuit legis naturae maximus doctor et inventor. Ex quo patet, quod Aristoteles fuit praecursor Christi in naturalibus, sicut Johannes baptista fuit praecursor Christi ad praeparandum ipsi plebem perfectam in gratuitis. Nec obstat, Aristotelem fuisse ante legem gratiae, quia dicit Augustinus, quod aliqui erant homines veteris legis, qui per gratiam personalem fuerunt de nova lege etc.

¹⁹ According to Roger Bacon, in his time, there were hardly four men of letters who were well acquainted with grammar, Jebb in praef. ad opus majus fol. 3. b. The school of Orleans only still held to grammar. Hence Henri d'Andely, at the end of the thirteenth century, describes in a satirical poem *La Bataille des sept arts* (printed in Grasse's *Literargeschichte* II. ii. i. 16), a battle which was fought between the Grammar and Poetry of Orleans, and the Logic and Philosophy of Paris.

²⁰ His principal work *Summa universae theologiae* in 4 partt. is an explanation of Lombard. ed Venet. 1576. Colon. 1622. fol. voll. iv. im Auszuge b. Cramer vii. 161. *Hist. litt. de la France* xviii. 312.

²¹ On his life see Quetif et Echard scriptores Ord. Praedicatorum i. 162. Opera (commentaries on Aristotle, on the Books of the Bible on Dionysius the Areopagite, besides works on physics, philosophy, and theology) ed Petrus Jammy Ord. Praed. Lugduni 1651. xxi. Tom. fol. Among his theological works the most remarkable are his commentaries in iv. libb. *Sententiarum* (also Basil 1506. fol.) and *Summa theologiae* (Basil. 1507. 2 voll. fol.). On the use which he makes of Aristotle see Jourdain p. 330 ss. *Comp. Ritter's Christl. Phil.* iv. 181.

²² On his life see acta SS. Mart. i. 655 ad d. vii. Mart. e.g. Touron vie de s. Thomas d'Aquin avec un exposé de sa doctrine et de ses ouvrages. Paris 1734. 4. Bern. de Rubois dissertt. crit. et apologet. de gestis et scriptis ac doctrina s. Thomae Aquinatis. Venet. 1750. fol. Quetif et Echard scriptt. Ord. Praed. i. 271. *Hist. litt. de la France* xix. 238. On his use of Aristotle see Jourdain p. 434 ss. His most important theological works are *Comment. in iv. libros Sententiarum Mag. P. Lombardi*;—*Summa theologiae* in iii. partt. (Pars ii. is missing in Prima and Secunda Secundae. Pars iii. is not finished, so in the edition a Supplementum tertiae partis ex ejusd. s. Thomae scripto in quartum lib. *Sententiarum* excerptum is added. The genuineness

the normal system of the Dominicans,²³ made much more use of Aristotle in Theology. On the other hand the Franciscan Bona-

of the Summa, which was called in question by Jo. Launojus veneranda Rom. Ecclesiae circa simoniam traditio, Paris. 1675. observ. 8. is proved by Natalis Alex. dissertt. ad hist. eccl. xiii. et xiv. saeculi diss. VI. ta. Echard scriptt. ord. Praed. i. 294. Oudinus de scriptt. eccl. iii. 353). —Summa catholicae fidei contra Gentiles in iv. libb. There are besides commentaries on Aristotle, on Holy Writ, &c. They have been very often printed, both separately and together. E. g. Romae 1570. tom. xvii.; Antverp. 1617. tom. xviii.; Paris. 1660. voll. xxiii. fol. ed. altera Veneta emendata, acc. B. M. de Rubéis in singula opera admonitiones praeviae 1745—1760. tom. xxviii. 4. Ritter iv. 257.

²³ Immediately after Thomas' death the Dominicans had to protect him against the enmity of the other Theologians, both in Paris where was his most eminent antagonist, Henricus Gandavensis and in Oxford the Dominican Robertus Oxfordius wrote at that time his Protectorium Thomae Aquinatis (Bulaeus iii. 409). In the year 1276 Stephanus Tempier, Bishop of Paris, de consilio Magistrorum theologiae, even condemned, among many other propositions, some taken from the works of Thomas (d'Argentré de novis erroribus i. 188. cf. Observationes p. 204. 217): The University of Oxford also acceded to this condemnation (Bulaeus iii. 448. 482): and the Franciscan Guillelmus de Lamare in 1285 wrote at Oxford a Reprehensorium F. Thomae (d'Argentré i. 218.) On the other hand the Dominicans agreed at a general-chapter in Paris 1286 (Martene thes. anecdot. iv. 1817) no. 19, ut Fratres omnes et singuli, prout sciunt et possunt, efficacem dent operam ad doctrinam ven. magistri Fratris Thomae de Aquino recolendae memoriae promovendam, et saltem *ut est opinio* defensandam. Et si qui contrarium facere attentaverint assertive, sive sint Magistri, sive Baccallarii, Priores et alii Fratres etiam aliter sentientes, ipso facto ab officiis propriis et aliis Ordinibus sint suspensi etc. and many Dominicans wrote against the Representorium (d'Argentré l. c.) After that Thomas was canonized by John xxii. in the year 1322, Stephanus de Borreto, Bishop of Paris at that time, was induced in 1325 to abrogate the decision of his predecessors against St Thomas. (See the Decree in Bulaeus iv. 224, d'Argentré i. 222.) Thereupon the Dominicans decreed in the general-chapter apud Carcassonam 1342 (in Holstenii codex Regularum ed. Brockie iv. 114): Cum praeclarissima doctoris Angelici s. Thomae Aquinatis doctrina in toto orbe terrarum tanquam lux solis eluceat, et ut firmissima ac solidissima doctrinarum omnium a sede apostolica, et a principalibus Ecclesiae doctoribus cum testimonio Episcopi atque Universitatis Parisiensis honorifice approbata fuerit et divinis laudibus ornata: imponimus lectoribus et studentibus, ut spretis et postpositis vanis et curiosis ac frivolis doctrinis, quarum plurimae a veritate abducunt, ejusdem sanctissimi Doctoris doctrinae omnino dent operam, et assidue studeant, juxta quam quaestiones omnes et dubia determinent. But a letter from the Theological Faculty in Paris to the Pope in the year 1387 shows that they found much to censure in

ventura (Doctor Seraphicus, Lecturer in Paris, Cardinal † 1274)²⁴ brought forward the mystic theology again, as well as the Scholastic, and endeavoured to unite the demands of both. In John Duns Scotus (Doctor Subtilis, Lecturer in Oxford, Paris and Cologne † 1308),²⁵ the Franciscans at last acquired a teacher remarkable for the most subtle speculations, whom they could set up against the Thomas of the Dominicans.²⁶

The deficiencies and partialities of the theologians of this time, were recognised by many,²⁷ most plainly by the great Franciscan Roger Bacon (Doctor mirabilis Lecturer in Oxford † 1294),²⁸

Thomas in Launoy de varia Aristotelis in Acad. Paris. fortuna cap. 10. (ed. Elswich p. 213 ss.)

²⁴ On his life see Hist. litt. de la France xix. 266. Among his theological works are Commentarius in iv. libb. Sententiarum; and two handbooks of Divinity, Breviloquium (textum recognovit C. J. Hefele, Tubing. comp. 1845. Münchener gel. Anz. April 1846 s. 601) and Centiloquium, this last for beginners. Besides there are many mystical works by him, e. g. Itinerarium mentis in Deum, De vii. gradibus contemplationis etc.—Opera, jussu Sixti V. emendata, Romae 1588. t. viii. fol. Venetiis 1751 ss. t. xiii. 4.

²⁵ There are many philosophical writings by him, especially commentaries on Aristotle. Among his theological works are Quaestiones in libros iv. Sententiarum (Opus anglicanum s. Oxoniense, in opposition to the earlier unfinished Opus Parisiense, best edition by Hugo Cavellus. Antverp. 1620. 2 voll. fol.) and Quaestiones quodlibetales xxi.—Opera ed. Luc. Wadding. Lugd. 1639 ss. t. xii. fol. Baumgarten-Crusius de theologia Scoti (Jenaer Weihnachtsprogr. 1826.) Ritter iv. 354.

²⁶ cf. Waddingi annales Minorum ann. 1308. §. 64: In aliquot comitiis generalibus statutum est, ut lectores omnes et magistri, tam in cursu philosophico quam theologico, ejus sententiam sequerentur. When first, Wadding does not pretend to determine: however the Franciscan Occam, a pupil of Duns, calls him Ordinis Doctorem.

²⁷ Guil. Durantis (1311) de modo gener. Concilii celebrandi (s. §. 62. not. 25) P. III. rubr. 16: Cum dicti religiosi (the mendicant friars) dimisso bibliae et verae theologiae studio, et his quae aedificare possent Ecclesiam Dei, dialecticorum tendiculis et fantasmatis theologiae studium destruentibus, et in sermonibus et praedicationibus ad eorum ostentationem frequenter rhythmis et quibusdam profanitatibus abutuntur, et in generalibus et particularibus studiis curiositatibus et vanis disceptationibus vacent;—videretur super his et aliis eos tangentibus providendum.

²⁸ Concerning him compare Sammlung v. merkw. Lebensbeschreibungen, grösstenth. aus d. britann. Biographie, unter Baumgartens Aufsicht, iv. 616. Jourdain p. 413. Ritter iv. 473. Hist. litt. de la France xx. 227. His most important work Opus majus (a collection

who showed a wonderful keenness of sight on all points, in every branch of human knowledge.²⁹

of treatises made in 1266 at the request of Clement IV.), ed. Sam. Jebb. Lond. 1733. fol., in abstract in the Brit. Biogr. iv. 627.

²⁹ Compare the passages which Jebb in the Praef. ad Opus majus quotes from Bacon's unprinted works: Nunquam fuit tanta apparentia sapientiae, nec tantum exercitium studii in tot facultatibus, in tot regionibus, sicut jam a XL. annis. Ubique enim Doctores sunt dispersi,—in omni civitate, et in omni castro, et in omni burgo; praecipue per duos Ordines studentes (Dominicans and Franciscans), quod non accidit nisi a XL. annis vel circiter, cum tamen numquam fuit tanta ignorantia, tantus error.—Si haberem potestatem super libros Aristotelis (namely the Latin translations); ego facerem omnes eremari, quia non est nisi temporis amissio studere in illis, et causa erroris et multiplicatio ignorantiae ultra id quod valeat explicari.—Vulgus studentum cum capitibus suis non habet unde excitetur ad aliquid dignum, et ideo languet et asinuat circa male translata, et tempus et studium amittit in omnibus et expensas. Apparentia quidem sola tenet eos, et non curant, quid sciant, sed quid videantur scire coram multitudine insensata.—cf. Opus majus P. i. c. 1 (ed. Jebb. p. 2): Quatuor vero sunt maxima comprehendendae veritatis offencicula, quae omnem quemeunque sapientem impediunt, et vix aliquem permittunt ad verum titulum sapientiae pervenire, videlicet fragilis et indignae auctoritatis exemplum, consuetudinis diuturnitas, vulgi sensus imperiti, et propriae ignorantiae occultatio cum ostentatione sapientiae apparentis.—Ex his autem pestibus mortiferis accidunt omnia mala humano generi: nam ignorantur utilissima et maxima et pulcherrima sapientiae documenta, et omnium scientiarum et artium secreta; sed pejus est, quod homines horum quatuor caligine excaecati non percipiunt suam ignorantiam, sed aestimant se esse in plena luce veritatis. Cap. 12. p. 16: Cum linguarum cognitio et mathematicae est maxime necessaria studio Latinorum,—et fuit praecise in usu Sanctorum et omnium sapientum antiquorum, nos moderni negligimus, adnihilamus, et reprobamus, quia ista et eorum utilitatem nescimus. Deinde si aliqui sapientes et Sancti alia neglexerunt, aut humana fragilitate devicti aut ex causa rationabili, nos praesentis temporis obstinate et pertinaciter negligimus et reprobamus, fortificantes nostram ignorantiam propter hoc quod Sancti et sapientes neglexerunt, non volentes considerare quod in omni homine est multa imperfectio sapientiae, tam in Sanctis quam in sapientibus.—Pars iii. de utilitate Grammaticae p. 44: Impossibile enim est, quod Latini perveniant ad ea, quae necessaria sunt in divinis et humanis, nisi notitiam habeant aliarum linguarum.—Nam totus textus sacer a Graeco et Hebraeo transfusus est, et philosophia ab his et Arabico deducta est; sed impossibile est quod proprietates unius linguae servetur in alia.—Et ideo nullus Latinus sapientiam sacrae Scripturae et philosophiae poterit ut oportet intelligere, nisi intelligat linguas, a quibus sunt translatae.—Solutus Boethius primus interpretes novit plenarie potestatem linguarum: et solus dominus Robertus, dictus Grossum-

§ 75.

RISE OF THE THOMISTS AND SCOTISTS.

J. Arada controversiae theolog. inter s. Thomam et Scotum super iv. libros sententiarum, in quibus pugnantes sententiae referuntur, potiores difficultates elucidantur, et responsiones et argumenta Scoti rejiciuntur. Coloniae 1620. 4.

According as the two orders of Dominicans and Franciscans adopted as the systems of their respective orders, the differing doctrinal systems of Thomas Aquinas and Duns Scotus, they entered upon the regions of Philosophy and Theology from opposite quarters as the hostile parties of Thomists and Scotists. In Philosophy the theory of Universals was principally¹ contro-

Caput, novit scientias. Alii quidem mendici translatore defecerunt multum tam in scientiis quam in linguis; quod ostendit eorum translatio. Nam tanta est perversitas et horribilis difficultas, maxime in libris Aristotelis translatis, quod nullus potest eos intelligere. Sed quilibet alii contradicit, et multiplex reperitur falsitas, ut patet ex collatione diversorum interpretum et textuum diversarum linguarum. Et similiter in textu sacro inveniuntur falsa, et male translata quam plurima. —Ne (Hieronymus) nimia novitate deterreret Latinos, ideo, ut ipse scribit, aliquando coaptavit se LXX. interpretibus, et aliquando Theodotioni, aliquando Aquilae, et ideo multa dimisit, et propter hoc remanserunt plura falsa.—Pars iv., in qua ostenditur potestas mathematicae in scientiis, et rebus, et occupationibus hujus mundi. p. 57: sunt quatuor scientiae magnae, sine quibus caeterae scientiae sciri non possunt, nec rerum notitia haberi.—Et harum scientiarum porta et clavis est mathematica, quam Sancti a principio mundi invenerunt, ut ostendam, et quae semper fuit in usu omnium Sanctorum et sapientum prae omnibus aliis scientiis. Cujus negligentia jam per triginta vel quadraginta annos destruxit totum studium Latinorum. Although Bacon prefers Aristotle to all other philosophers, he shows plainly enough in many places that even Aristotle is not free from errors: e.g. P. ii. c. 8. pag. 36: Hic (Aristoteles) praecedentium philosophorum errores evacuavit, et augmentavit philosophiam, aspirans ad ejus complementum, quod habuerint antiqui patriarchae, quamvis non potuit singula perficere. Nam posteriores ipsum in aliquibus correxerunt, et multa ad ejus opera addiderunt, et adhuc addentur usque ad finem mundi; quia nihil est perfectum in humanis inventionibus.

¹ On certain other differences in Philosophy comp. Tennemann VIII. ii. 723 f. 739. 750. 752. 772.

verted betwixt them, on this head Thomas held Aristotelian,² and Scotus rather Platonic³ opinions: in Theology again among many other points of difference,⁴ the doctrines of Free Will and Grace were most prominent:⁵ to which at that time the question

² Cf. Thomae opusce. 55 et 56. de Universalibus. He adopted the solution of Aristotle: quod universale est in multis, et unum praeter multa; and of Boethius: universale dum intelligitur, singulare dum sentitur. Thus he is not a nominalist, but an Aristotelian Realist, Tiedemann iv. 549. Tennemann VIII. ii. 560. Ritter iv. 323.

³ Scotus in Sentent. lib. ii. dist. 3. qu. 1. Tennemann VIII. ii. 728. Ritter iv. 428. Accordingly Scotus Sent. i. dist. 8. qu. 4 asserts even a distinctio perfectionum *essentialium* in Deo, in opposition to the Thomist dist. perf. attributalium. See Tennemann s. 770. Ritter iv. 386.

⁴ Thus Scotus Sent. lib. iii. dist. 19. et 20. attacks the opinion of Thomas about an infinitas meriti Christi. Others state the differences touching morals: see in Stäudlin's Gesch. der Sittenl. Jesu. iv. 394 ff. 403.

⁵ Thomas exactly follows Augustine in the doctrine of original sin and the necessity of grace (e.g. Summa theol. Prima Secundae qu. 109, and in his Comment. ad Rom. c. 6, ad Ephes. c. 2, and ad Titum c. 3): nevertheless he took care at the same time to vindicate human merit. Compare Prima Secundae qu. 114. art. 3.: Opus meritorium hominis dupliciter considerari potest. Uno modo, secundum quod procedit ex libero arbitrio; alio modo, secundum quod procedit ex gratia Spiritus sancti. Si consideretur secundum substantiam operis, et secundum quod procedit ex libero arbitrio: sic non potest ibi esse condignitas, propter maximam inaequalitatem; sed est ibi congruitas, propter quandam aequalitatem proportionis. Videtur enim congruum, ut homini operanti secundum suam virtutem Deus recompenset secundum excellentiam suae virtutis. Si autem loquamur de opere meritorio, secundum quod procedit ex gratia Spiritus sancti: sic est meritorium vitae aeternae ex condigno. Then indeed he shows art. 5, quod nullus potest sibi mereri primam gratiam (or gratiam praevientem cf. qu. 111. art. 8); but art. 8, he answers the question utrum homo possit mereri augmentum gratiae vel caritatis in the affirmative, augmentum gratiae cadit sub merito condigni.

Scotus on the other hand is Semipelagian. He declares in Sentent. lib. ii. dist. 32. qu. unic. § 7. originale peccatum to be only for carentia justitiae debitae. Lib. ii. dist. 28. qu. unic. in opposition to the Magister sententiarum he answers in the affirmative the question: utrum liberum arbitrium hominis sine gratia posset cavere omne peccatum mortale? with a reference to Rom. ii. 14: ubi videtur Apostolus increpare Judaeos in hoc, quod gentes sine lege data servatali legem: ergo cavebant ab omni peccato; et tamen (ut videtur) non habuerunt gratiam. Lib. iii. dist. 27. qu. unic. against the position of Thomas, naturam intellectualem non posse diligere Deum super omnia sine

of the immaculate conception of the Virgin Mary annex itself (see below § 78. note 14 and 15. Part 3. § 119.)

2. HISTORY OF THE REMAINING THEOLOGICAL SCIENCES.

§ 76.

Next to those scholastic forms of faith, canon law was most zealously studied,¹ after that it likewise had received from Gratian, a scholastic and scientific shape.

habitu infuso, he asserts: quod ex puris naturalibus potest quaecunque voluntas saltem in statu naturae institutae diligere Deum super omnia. Lib. ii. dist. 37. qu. 2. to the question: Utrum voluntas creata sit totalis causa et immediata sui velle, ita quod Deus respectu illius non habeat aliquam efficaciam immediatam sed mediatam? he answers: potest dici, quod voluntas est totalis causa et immediata respectu suae volitionis. Quod probatur per rationes: primo, quia aliter ipsa non esset libera; secundo, quia etiam aliter nihil contingenter causare posset; tertio, quia aliter non posset peccare; quarto, quia aliter omnino nullam actionem habere posset; quinto, ex comparatione ejus ad alias causas creatas. On the conditions of the communication of grace ibid. § 14. Universaliter quidquid Deus dat antecedenter, daret illud consequenter quantum est ex se, nisi esset impedimentum: dando autem voluntatem liberam, dedit antecedenter opera recta, quae sunt in potestate voluntatis, et ideo quantum est ex parte sui dedit rectitudinem omni actui voluntatis et voluntati ex consequenti daret, si ipsa voluntas quemcunque actum elicited recte ageret ex parte sui. Lib. i. dist. 17. qu. 3. § 28: Voluntas est quasi equus liber, et gratia quasi sessor per modum naturae inclinans ad objectum per modum determinatum. Secundum hujus inclinationem actus voluntatis placet, aliter non placeret: sicut quando est peccatum veniale, vel actus indifferens. Quando autem sessor abjicitur, quod fit per peccatum mortale, omnino ipsa voluntas fit displicens. Hoc etiam modo voluntas est pedissequa, quia non ex se ita determinate inclinatur ad terminum, propter quam inclinationem actus acceptatur, sicut gratia inclinatur: et voluntas potest illud participare a gratia, quia competit gratiae magis per essentiam, quam sibi, et in hoc ipsa erit causa secunda. Tamen in eliciendo actum voluntas habet primam rationem motivi, ita quod in causando aliquid intrinsecum actui non sit voluntas secunda causa, sed in essendo, propter quod actus acceptatur: quod dicit respectum ejus ad extrinsecum etc.—The conception which each of them formed of the Pelagian heresy must not be overlooked. Thomas Summa theol. P. i. qu. 23. art. 5: Posuerunt Pelagiani, quod initium bene faciendi sit ex nobis, consummatio autem a Deo. Scotus in Sent. lib. ii. dist. 28. qu. unic. § 1: in hoc videtur esse haeresis Pelagiana, quod liberum arbitrium sufficiat sine gratia.

¹ See above § 60.

Morals² were treated by Abelard in a peculiar manner.³ The later schoolmen, after the example of Lombard, handled them but cursorily⁴ in their books on theological learning. The *Summa de virtutibus et vitiis*,⁵ of the Dominican Guilelmi Peraldi († 1250) and the *Secunda Secundae*⁶ of Thomas Aquinas are worthy of notice. Casuistry as well as moral philosophy was brought into a scholastic and scientific form, by Raymund de Pennaforti,⁷ in the place of the antient libri poenitentiales; on account of its importance in the performance of ecclesiastical offices it was held in higher estimation than they were. The mystics Bernard, Hugo and Richard de St Victor, and Bonaventura, did more to develop and recommend the means of extending that morality, which mysticism prescribes, than to enrich the science of moral philosophy.⁸

While the intrepertation of the Old Testament was so remarkably advanced among the Jews, by such men as R. Solomon Jarchi from Troyes († after 1105), R. Aben Esra from Toledo († 1167) R. David Kimchi at Narbonne (about † 1230) and R.

² On the moral philosophy of the Schoolmen in general see de Wette *Gesch. d. christlichen Sittenlehre* ii. 116. Stäudlin's *Gesch. d. Moralphilosophie* s. 466. His *Gesch. d. Sittenlehre Jesu* iv. 298.

³ See *Ethica* under the title: *Scito te ipsum* in B. Pezii *thesaur. anecdot.* III. ii. 627. (comp. § 73. not. 16.) in abstract in Cramer v. ii. 384, and de Wette ii. 124. On his peculiarities see Stäudlin's *Gesch. d. Moralphilosophie* s. 478 ff. His *Gesch. d. Sittenlehre Jesu* iv. 304. Neander d. heil. Bernhard. s. 130. 174 ff. Frerichs *comm. de P. Abaelardi doctrina dogmatica et morali*. Jenae 1827. 4. p. 28 ss. Statements from his *Ethics* were brought against him at the Council of Sens, see in the *Capit. errorum Abael.* cap. xiii. and xix. above § 73. note 23.

⁴ Joh. Sarisbur. *metalogic.* lib. ii. c. 11: *An voluptas bona sit, an praeeligenda virtus, an in summo bono habitudines, an sit in indigentia laborandum, purus et simplex dialecticus raro examinat.*

⁵ Often publisht, last at Paris 1629. 4. An abstract is found in Schröckh xxix. 298. de Wette ii. 169.

⁶ Extracts in Schröckh xxix. 111. de Wette ii. 137. Stäudlin's *Gesch. d. Moralphilos.* s. 494 ff. *Gesch. der Sittenl. Jesu* iv. 337.

⁷ *Summa de poenitentia et matrimonio*, customarily *Summa Raymundiana*, often published, e. g., cum glossis *Johannis de Friburgo*, Romae 1603. fol. There is an abridgement in Schröckh xxviii. 116. On casuistry in general see de Wette ii. 206.

⁸ On this head see Schröckh xxix. 263. Stäudlin's *Gesch. d. Sittenlehre Jesu* iv. 406 de Wette ii. 298.

Moses ben Maimon in Cordova († at Cairo in 1205)⁹ among the western Christians the interpretation of Scripture was neither held in due estimation as a study,¹⁰ nor pursued in the right manner. The text of the Latin Vulgate, which stood in the place of the original text, was much corrupted by ignorance of criticism; and the attempts to mend it, only increased the confusion.¹¹ The interpretation was drawn almost exclusively from the fathers of the Church: with regard to the meaning of the words, most men were satisfied with the borrowed resources of the *Glossa ordinaria*,¹² and the *Glossa interlinearis* of Anselm, Dean and Scholastic at Laon († 1117.)¹³

⁹ Concerning these writers see Rich. Simon *hist. crit. du vieux Testam.* p. 170 ss. Wolfii *biblioth. hebraea* vol. i. G. W. Meyer's *Gesch. d. Schrifterklärung seit d. Wiederherstellung d. Wissenschaften* i. 85.

¹⁰ cf. Rogerius Bacon in *Opus majus* P. ii. c. 4. p. 28: Baccalaureus, qui legit textum (Holy Scripture), succumbit lectori Sententiarum, et [hic] ubique in omnibus honoratur et praefertur. Nam ille, qui legit sententias, habet principalem horam legendi secundum suam voluntatem, habet et socium et cameram apud religiosos: sed qui legit Bibliam, caret his, et mendicat horam legendi secundum quod placet lectori Sententiarum. Et qui legit Summas, disputat ubique, et pro magistro habetur; reliquus, qui textum legit, non potest disputare: sicut fuit hoc anno Bononiae et in multis aliis locis: quod est absurdum. Manifestum est igitur, quod textus illius facultatis (theology) subiecitur uni Summae magistrali.—Omnis alia Facultas utitur textu suo solo, et legitur textus in scholis, quod scito textu sciuntur omnia, quae pertinent ad Facultatem, propter quam textus sunt facti: et longe majus est, quod textus hic de ore Domini et Sanctorum allatus mundo est, ita magnus, quod vix sufficeret aliquis lector ad perlegendum eum in tota vita sua.

¹¹ cf. Humphrey Hody de *Bibliorum textibus originalibus*. Oxon. 1705. fol. p. 416 ss. *Literarisches Museum* (Altorf 1787) Bd. 1. St. 1. S. 1 ff. St. 2. S. 77 ff. St. 3. S. 344 ff. Meyer's *Gesch. d. Schriftausleg.* i. 93. L. van Ess *pragmat. krit. Gesch. d. Vulgata*. Tübingen 1824. S. 160. About 1144 Cardinal Nicolas complains (see Hody p. 417): exemplaria,—quae a doctissimis viris dicebantur correctae,—adeo discrepabant, ut paene quot codices tot exemplaria reperirem. Also the different Correctoria Bibliae were subjects of party jealousy to the mendicant friars. On their mode of proceeding cf. Roger. Bacon *epist. ad Clem. iv.* in Hody p. 429: Quilibet lector in Ordine Minorum corrigit, ut vult, et similiter aequi Praedicatores,—et quilibet mutat, quod non intelligit etc.

¹² See above Div. i. § 10. note 16.

¹³ Often published together with the *Glossa ordinaria*. There is an

Among the exegetical works of this age Abelard's commentary on the epistle to the Romans, and the *expositio continua* in Evangelia (*Catena aurea in Evangelia*)¹⁴ by Thomas Aquinas are distinguished chiefly for their efforts for an historical and grammatical interpretation. As an exegetical compiler cardinal Hugo of St Chers († 1263) is most eminent.¹⁵ Too vast to be overlooked are the exegetical remains¹⁶ of this age, in which mystics, as Bernard of Clairvaux, and Rupert, Abbot of Deutz († 1135)¹⁷ and Schoolmen as Thomas Aquinas and Bonaventura, lingering¹⁸ with especial affection on the most difficult books of the Bible, endeavoured to ascertain the fourfold meaning of Holy Writ.¹⁹ But our compassion only is roused at the sight of so much acuteness, so unprofitably squandered.

unfavourable opinion of Anselmus Laudunensis in Abaelardi hist. calamit. suor. c. 3.

¹⁴ Tholuck de Thoma Aquin. atque Abaelardo interpretibus Novi Test. (Hall. Osterprogr. 1842.) On Thomas see Rich. Simon hist. crit. des principaux commentateurs du Nouv. Test. p. 470.

¹⁵ Properly Hugues de St Chers. On him see Quetif et Echard scriptt, Ord. Praedicatt. i. 194. Hist. litt. de la France xix. 38. His Postillae in universa biblia juxta quadruplicem sensum ed. Basil, 1498 and 1504. Paris. 1548. vii. voll. fol.—His Concordantiae sacrorum biblicorum (Concord. s. Jacobi.) ed. Basil. 1543 and 1551. fol. first brought the division of the Bible into chapters into general use.

¹⁶ Concerning these see Cramer vi. 81. Schröckh xxviii. 321.

¹⁷ Opp. ed. Mogunt. 1631. ii. voll. fol. (There was a pirated edition full of faults issued at Paris. 1638) cf. Hist. littéraire de la France xi 422.

¹⁸ Ed. Cunitz hist. crit. de l'interprétation du cantique des cantiques, thèse. Strasbourg 1834. 4. p. 20.

¹⁹ Johannes Saresburiensis, otherwise so clear, gives in to this custom, Polieraticus lib. vii. c. 12: Divinae paginae libros, quorum singuli apices divinis pleni sunt sacramentis, tanta gravitate legendos forte concesserim, eo quod thesaurus Spiritus sancti, cujus digito scripti sunt, omnino nequeat exauriri. Licet enim ad unum tantummodo sensum accommodata sit *superficies literae*, multiplicitas mysteriorum intrinsecus latet. Et ab eadem re saepe *allegoria* fidem, *tropologia* mores variis modis aedificat, *anagoge* quoque multipliciter sursum ducit, ut litera non modo verbis, sed rebus ipsis instituat. At in liberalibus disciplinis, ubi non res, sed duntaxat verba significant, quisquis pro sensu literae contentus non est, aberrare videtur mihi etc.

FIFTH CHAPTER.

HISTORY OF DIVINE SERVICE.

Liturgical Works of this age: Ivonis Carnotensis¹ († 1115) *micrologus de ecclesiasticis observationibus* (in Melch. Hittorpī de divinis cath. Eccl. officiis ac ministeriis varii vetustorum scriptt. libri. Colon. 1568. p. 434. and in Biblioth. PP. Lugd. xviii. 469.)—Ruperti Tuitiensis († 1135) de divinis officiis libb. xii. (in Opp. ii. 750.)—Jo. Belethi (according to Henricus Gandav. theologicæ scholæ rector Parisiis, according to Albericus chron. p. 363 floruit in Ecclesia Ambianensi about 1182) *divinorum officiorum ac eorundem rationum brevis explicatio* (prim ed. Corn. Laurimann. Antv. 1553. 8. frequently appended to the *Rationale Durantis*.)—Principal Work: Guilelmi Durantis (his name is Durantis or Duranti not Durandus) Episc. Mimatensis († 1296 see Savigny's *Gesch. d. röm. Rechts im Mittelalter* v. 501. *Hist. litt. de la France* xx. 411) *Rationale divinorum officiorum* libb. viii. (according to lib. viii. c. 9. it was composed in the year 1286, it was often publisht in the 15th and 16th centuries, also at Venice in 1609. 4.)

§ 77.

HISTORY OF THE SACRAMENTS.

The doctrine of the change of elements in the Lord's Supper, as it was determined in opposition to Berengarius, was by no means universally received in the 12th century.² In particular it

¹ That Ivo is the author, Wharton has discovered in the *Auctar. historiae*, J. Usserii de *Scripturis et Sacris vernaculis*. Lond. 1690. 4. p. 395.

² Zacharias Ep. Chrysopolitaanus (about 1157) *comm. in Monotessaron* (Bibl. PP. Lugd. xix.) lib. iv. c. 156: *Sunt nonnulli, imo forsan multi, sed vix notari possunt, qui cum damnato Berengario idem sentiunt, et tamen eundem cum Ecclesia damnant. In hoc videlicet damnant eum, quia formam verborum Ecclesiae abjiciens, nuditate sermonis scandalum movebat. Non sequebatur, ut dicunt, usum Scripturarum, quæ passim res significantes tanquam significantas*

did not agree with the opinions of the mystics,³ who loved a

appellant, praesertim in sacramentis, ut eorum virtutes expriment. Aliis vero latenter imponunt, quod non intelligant tropos et figuratas locutiones, ideoque miserabili morte animae signa pro rebus accipiant Illud quoque maxime derident, quod panis et vini species dicunt in aëre apparere; quidam vero, sensus corporeos falli post conversionem panis et vini in carnem et sanguinem Christi etc. Cf. Rupertus Abb. Tutiensis comm. in Johannem lib. vi. c. 6.—The different opinions of this age concerning the Lord's Supper are thus given by Algéras Presbyter of Liege, afterwards monk of Cluny (about 1130) in prologo in lib. de Sacram. corp. et sang. Dom. Bibl. PP. Lugd. xxi. 251 (in the Voyage littéraire de deux relig. Bénéd. ii. 125, this passage is attributed to an anonymous writer): Alii panem et vinum non mutatum, sed solum sacramentum, sicut aquam baptismatis, vel oleum chrismatis, corpus Christi non vere, sed figurate vocare dicunt.—Alii autem dicunt, panem non solum sacramentum, sed in pane Christum quasi impanatum, sicut Deum in carne personaliter incarnatum. Alii autem panem et vinum in carnem et sanguinem mutari, sed non Christi, sed cujuslibet filii hominis sancti et Deo accepti, ut compleatur, quod Christus dixit; nisi manducaveritis carnem filii hominis, non habebitis vitam in vobis. Alii autem gratiae Dei derogantes dicunt, sacerdotum malis meritis ita invocationem divini nominis annullari, ut eorum indigna consecratione non debeat panis in Christi carnem converti. Alii vero mutari quidem in carnem Christi, sed malis meritis sumentium non permanere carnem Christi, sed iterum reverti in purum sacramentum panis et vini. Alii, quod est deterius, dicunt, per comestionem in foedae digestionis converti corruptionem.

³ Cf. Bernardi sermo i. in coena Domini § 2. (Opp. ed. Mabillon ii. 87): Sacramentum dicitur sacrum signum sive sacrum secretum. Multa siquidem sunt propter se tantum, alia vero propter alia designanda, et ipsa dicuntur signa et sunt. Ut enim de usualibus sumamus exemplum: datur annulus absolute propter annulum, et nulla est significatio: datur ad investiendum de hereditate aliqua, et signum est; ita ut jam dicere possit, qui accipit: annulus non valet quicquam, sed hereditas est, quam quaerebam. In hunc itaque modum appropinquans passioni Dominus de gratia sua investire curavit suos, ut invisibilis gratia signo aliquo visibili praestaretur. Ad hoc instituta sunt omnia sacramenta, ad hoc eucharistiae participatio, ad hoc pedum ablutio, ad hoc denique ipse baptismus, initium sacramentorum omnium etc. Sermo in festo s. Martini § 10 (l. c. p. 181): usque hodie eadem caro nobis, sed spiritualiter utique, non carnaliter, exhibetur.—Rupertus Tutiensis de Trinitate et operibus ejus in Exodum lib. ii. cap. 10 (Opp. ed. Mogunt. 1631. i. 191): Totum attribuetis operationi Spiritus sancti, cujus effectus non est destruere vel corrumpere substantiam, quamcumque suos in usus assumit, sed substantiae bono permanenti, quod erat, invisibiliter alficere, quod non erat. Sicut naturam humanam non destruxit, cum illam operatione sua ex utero Virginis Deus Verbo in unitatem personae conjunxit: sic substantiam panis et vini, secundum exteriorem speciem quinque sensibus subjectam, non mutat aut destruit;

more spiritual apprehension, nearly so well as with those of the common folk, fond as they were of the miraculous; to whom, from time to time, the Flesh and Blood visibly appeared in their natural form;⁴ and with those of the Schoolmen, with whose purely intellectual caste of mind that material explanation of the real presence of Christ in the Eucharist corresponded better than the mystic view. After that this doctrine of transubstantiation⁵ had been made in the hands of the Schoolmen, to define more

cum eidem Verbo in unitatem corporis ejusdem, quod in cruce pependit, et sanguinis ejusdem, quem de latere suo fudit, ista conjungit. Quomodo Verbum a summo demissum caro factum est, non mutatum in carnem, sed assumendo carnem: sic panis et vinum, utrumque ab imo sublevatum, fit corpus Christi et sanguis, non mutatum in carnis saponem sive in sanguinis horrorem, sed in assumendo invisibiliter utriusque, divinae scilicet et humanae, quae in Christo est, immortalis substantiae veritatem. Cf. ejusd. de divinis officiis lib. ii. cap. 9 (Opp. ii. 762.) E.g. quod cum in ora fidelium sacerdos distribuit, panis et vinum adsumitur et transit; partus autem Virginis cum unito sibi Verbo Patris et in caelo et in hominibus integer permanet et inconsumtus. Sed in illum, in quo fides non est, praeter visibiles species panis et vini, nihil de sacrificio pervenit. Cf. J. G. de Lith de adoratione panis consecrati et interdictione s. calicis in eucharistia p. 113 ss. Accordingly Bellarmine (de controversiis christ. fidei tom ii. lib. iii. c. 11 and 15) declares this doctrine of Rupert to be heretical. Gabr. Gerberon apologia pro Ruberto Tuitiensi. Paris. 1669. 8. has taken pains to prove it catholic.

⁴ Schröck xxviii. 69. Thus Alexander Hales. in Sent. P. iv. qu. 53 membr. 4. art. 1. puts the question expressly: Queritur, si post consecrationem apparet revera caro Christi in sua forma, ut se appareret in forma unius pueri, vel carnis cruentae, vel digiti, vel membri alicujus, an esset summenda? Responsio, quod non etc. Art 3. gives to the question: quid sit illud, quod quandoque apparet in specie carnis vel pueri in altari, an sit corpus Christi? this answer, quod caro vel sanguis in hujusmodi apparitione, quando a Domino est, est ipsius Domini. A Domino esse dico, quia hujusmodi apparitiones quandoque accidunt humana procurazione et forte diabolica. At times the design of the miracle was very plain. When, for instance the Abbey of Walkenried was in want of money to complete the building of its church, the miracle happened in the year 1252, in the country chapel at Othstedt which was dependent on the monastery, and pilgrimages to the spot soon brought in gifts enough, see Leuckfeld antiquitates Walkenredenses p. 167.

⁵ The word Transubstantiatio, does not first occur in Hildebert Archbishop of Tours (Sermo xciii. synodicus ad sacerdotes, but before then, in the Expositio can. Missae sec. Petr. Damiani in A. Maji scriptt. vett. nova coll. vi. ii. 215; the verb transubstantiare is first found in Stephen Bishop of Autun from 1113—1129, Tract de sacramento altaris cap.

closely, that the whole Christ was present in both kinds,⁶ it received, under Innocent III. its first confirmation by a general Council;⁷ nevertheless reason long pulled at this new chain: and thus even after this confirmation a manifold controversy⁸ rose up on this point. The higher view of this sacrament caused many

14 (Bibl. PP. Lugd. xx. 1879, where the words, *hoc est corpus meum* are explained: *panem, quem accepi, in corpus meum transubstantiavi.*

⁶ The author of the *Expositio can. Missae* in *Majus* l. c. vi. ii. 211 declares himself undoubtedly to this effect, but one can see from his manner of speaking that the question was as yet by no means decided (see Part 1. § 29. not. 18.) Anselm, Archbishop of Canterbury, is the first to assert with certainty (*epistt. lib. iv. ep. 107*), in *utrâque specie totum Christum sumi.*

⁷ Conc. Lateran. iv. ann. 1215 cap. 1. in the confession of faith of the Synod:—*Una vero est fidelium universalis Ecclesia, extra quam nullus omnino salvatur. In qua idem ipse sacerdos et sacrificium Jesus Christus, cujus corpus et sanguis in sacramento altaris sub speciebus panis et vini veraciter continentur, transubstantiatis pane in corpus et vino in sanguinem potestate divina, ut ad perficiendum mysterium unitatis accipiamus ipsi de suo, quod accepit ipse de nostro.* Et hoc utique sacramentum nemo potest conficere, nisi sacerdos, qui fuerit rite ordinatus secundum claves Ecclesiæ, quas ipse concessit Apostolis et eorum successoribus Jesus Christus. F. R. Meier's *Versuch einer Gesch. der Transubstantiationslehre*, Heilbronn 1832. 8. S. 68 ff.

⁸ To this belongs especially the controversy on the method of the change. Petrus Lomb. lib. iv. dist. 11: *Quibusdam conversio esse videtur substantialis, dicentibus sic substantiam converti in substantiam, ut hæc essentialiter fiat illa.—Quidam vero sic dicunt conversionem illam esse intelligendam, ut sub illis accidentibus, sub quibus erat prius substantia panis et vini, post consecrationem sit substantia corporis et sanguinis, sic tamen, ut non eis afficiatur, et sic asserunt dictum panem transire in corpus Christi: quia ubi erat panis, nunc est corpus Christi.* (On these two opinions Innocent III. also wrote *de sacro altaris mysterio* lib. iv. c. 20.) *Quod si est, quid ergo fit de substantia panis et vini? Illi dicunt, vel in præjacentem materiam (s. pristinam materiam, namely the 4 elements) resolvi, vel in nihilum redigi. Alii vero putaverunt ibi substantiam panis et vini remanere, et ibidem corpus Christi esse et sanguinem: et hæc ratione dici illam substantiam fieri istam, quia ubi est hæc, est et illa, quod mirum est: et ipsam substantiam panis vel vini dicunt esse sacramentum.* True he rejects the last opinion: post consecrationem non est ibi substantia panis vel vini, licet species remaneant: but still Bonaventura in *Sent. lib. iv. dist. 11. part 1. art. 1. qu. 2.* mentions and refutes the similar opinion, *aliquorum modernorum, quod non totus panis convertitur secundum substantiam, sed aliqua pars essentialis remanet*; and Thomas *Summa* P. iii. qu. 75. art. 6, another, *quod facta consecratione non solum remanent accidentia panis, sed etiam forma substantialis ejus.* About 1266 a

alterations in the celebration. In order to remove all danger of profanation, the communion of children was discontinued.⁹ In

Parisian Divine in a letter to Clement IV. (in Bulaeus iii. 373) defends himself against the charge, that during his stay in Rome he had said to a Cardinal, *Parisius esse celebrem opinionem, corpus Christi non essentialiter et vere esse in altari, sed sicut signatum sub signo*. On the other hand he recognizes the truth of the orthodox forms, *substantialiter converti etc.* However he discovers in the Lord's Supper, in distinction from the materialis caro Christi crucifixa et lanceata, a caro Christi spiritualis, quae vere cibus est, quam carnem qui manducat, spiritualiter veritatem carnis et sanguinis Domini dicitur sumere etc. About 1300 the Dominican Joannes Parisiensis wrote a *determinatio de modo existendi corpus Christi in sacramento altaris alio, quam sit ille, quem tenet Ecclesia* (ed. Petrus Allix. Lond. 1686. 8), in the beginning of which he thus declares himself: *Intendo defendere veram existentiam et realem corporis Christi in sacramento altaris, et quod non est ibi solum sicut in signo. Et licet teneam et approbem illam solemnem opinionem, quod corpus Christi est in sacramento altaris per conversionem substantiae panis in corpus Christi, et quod ibi maneant accidentia sine subjecto; non tamen audeo dicere, quod hoc cadat sub fide: sed potest aliter salvari vera et realis existentia corporis Christi in sacramento altaris. Protestor tamen, quod si ostendatur dictum modum determinatum esse per sacrum canonem, aut per Ecclesiam, aut per generale Concilium, aut per Papam, qui virtute continet totam Ecclesiam, quicquid dicam nolo haberi pro dicto, et statim paratus sum revocare. Quod si non sit determinatum, contingat tamen ipsum determinari, statim paratus sum assentiri.* He declares himself about that *Modus* in the following manner: *Substantiam panis manere sub suis accidentibus in sacramento altaris, dupliciter potest intelligi: uno modo sic, quod substantia panis in sacramento altaris sub suis accidentibus maneat in proprio supposito; et istud est falsum, quia non esset communicatio idiomatum inter panem et corpus Christi, nec caro mea vere esset cibus.* Alio modo, ut substantia panis maneat sub accidentibus suis, non in proprio supposito, sed tracta ad esse et suppositum Christi, ut sic sit unum suppositum in duabus naturis. Et sic est verum, substantiam panis manere sub suis accidentibus etc. He mentions p. 97 other divines in Paris, who held the same opinion; among whom Guido de Cluvigny had even said, quod si esset Papa, quod confirmaret eam. However William Bishop of Paris deprived him of his Professorship, and when he was on the point of appealing to the Pope on this account, he died at Bordeaux in 1306. (cf. Oudin de scriptt. eccl. iii. 644. d'Argentré collectio judiciorum i. 264.)—There were other questions in vogue touching the duration of the change. Robert Pulleyn met with no assent to his assertion, that only the bread, which was actually received in the Lord's Supper, was the Body of Christ (Cramer vi. 511): but in the 12th century the opinion of Peter Lombard, lib. iv. dist. 13, was still generally received, quod a brutis animalibus corpus Christi non sumitur, etsi videatur. cf. Innocentius

the administration of the cup more anxious solicitude was shown to provide against spilling,¹⁰ and in the 12th century the custom

III. de sacro altaris mysterio lib. iv. c. 11 : Si quaeritur, quid a mure comeditur, cum sacramentum corroditur, vel quid incineratur, cum sacramentum crematur ; respondetur, quod sicut miraculose substantia panis convertitur, cum corpus dominicum incipit esse sub sacramento, sic quodam modo miraculoso revertitur, cum ipsum ibi desinit esse : non quod illa panis substantia revertitur, quae transivit in carnem, sed quod ejus loco aliquid miraculose creatur : quamvis hujus accidentia sine subjecto possunt sic corrodi, sicut edi. On the other hand Alexander of Hales lib. iv. qu. 45. membr. 1. art. 2. upheld the opposite opinion ; and although Bonaventura lib. iv. dist. 13. art. 2. qu. 1. says of it : Quantumcunque haec opinio muniatur, nunquam tamen adeo munitur, quin aures pie hoc abhorreant audire, quod in ventre muris vel cloaca sit corpus Christi etc., nevertheless Thomas Aquinas supports it (Summae P. iii. qu. 80. art. 3) because the other opinion derogat veritati sacramenti. Thomas' influence decided the question, and that position of Lombard fell among the articuli, in quibus Magister non tenetur (see above, § 73, not. 31.)

⁹ Augustine and many of the ancient Church-Teachers had deduced from John vi. 54, the unconditional necessity of the Lord's Supper to salvation : This however is denied so early as by Lanfrancus in epist. ad Domnaldum ann. 1081 (in Usserii vet. epist. hibernic. sylloge p. 73.) Nevertheless he still retains the communion of children. Men's minds were especially set at rest by the assurance of Fulgentius Bishop of Ruspe (epist. 12), tunc unumquemque fidelium corporis sanguinisque dominici participem fieri, quando in baptismate membrum corporis Christi efficitur, nec alienari ab eo panis calicisque consortio, etiamsi antequam panem illum comedat et calicem bibat, de hoc saeculo in unitate corporis Christi constitutus abscedat : and the rather so because this passage was commonly believed to be Augustine's (e.g. it is quoted as his by Hugo a S. Victore de sacramentis et caeremoniis eccles. lib. i. cap. 20, and Gratian Decr. P. iii. dist. 4. c. 131.) Hugo a S. Victore l. c. speaks of the transition from the ancient practice, ignorantia presbyterorum adhuc formam retinens sed non rem, dat pueris loco sanguinis vi um, quod penitus supervacuum arbitraret, si sine scandalo simplicium dimitti posset. Si autem in reservando sanguinem Christi, vel in ministrando pueris immineat periculum, potius supersedendum videtur. Olo Bishop of Paris after 1196, in his synodical constitutionibus (Praecepta communia c. 39. in Mansi xxii. 683) forbade his priests, ne hostias licet non sacratas dent pueris ullo modo. Afterwards the Concil. Burdegal. ann. 1255. c. 5 and Bajocense ann. 1300 c. 16 prohibited the communicating of children : nevertheless in some solitary places the custom still prevailed down to the beginning of the 15th century. P. Zornii hist. eucharistiae infantium. Berol. 1736. 8. In the 12th century the solemn seasons for baptism were discontinued, apparently in connexion with the communion of children. See Launoji opp. T. ii. P. ii. p. 730.

¹⁰ This was all the more likely to happen, since according to Gregory's

began in different places of withholding it altogether from the

II. epist. 14. ad Bonifacium, congruum non est, duos vel tres calices in altario ponere, cum Missarum solemnia celebrantur, the single chalice was necessarily so large and heavy (cf. Lith. de adoratione panis consecrati p. 244. F. Brenner's geschichtl. Darstellung d. Verrichtung und Ausspendung der Eucharistie, Bamberg 1824, S. 379.) Thence as early as the end of the 8th century arose the use of the fistula or calamus, arundo, canna, s. Joh. Vogt hist. fistulae eucharisticae. Bremæ 1740. 4 (also in Germaniæ literatæ opusc. ed. Jo. Oelrichs, Bremæ 1772, p. 185. besides a spicilegium editoris p. 325).—After the end of the 11th century, the custom of administering the bread dipt in the wine, which had already been usual in the communion of children and the sick (cf. Zornii hist. eucharistiae infantium), began to be universally adopted. This custom however, according to the precedent of Conc. Braccarensis ann. 675 can. 2 (which canon in Decr. Grat. P. iii. dist. 2. can. 7 is incorrectly attributed to Pope Julius) was forbidden by Urban II. (Conc. Claramontan ann. 1095. c. 28) especially by Paschal ii. Epist. 32. ad Pontium Cluniacens. Abbatem ann. 1110 (Mansi xx. 1013): Scribens ad Caecilium b. Cyprianus ait: *Quando aliquid Deo inspirante et mandante præcipitur, necesse est Domino servus fidelis obtemperet, excusatus apud omnes, quod nihil sibi arroganter assumat, ne aliud fiat a nobis, quam quod pro nobis Dominus prior fecit. Igitur in sumendo corpore et sanguine Domini, juxta eundem Cyprianum, dominica traditio servetur, nec ab eo, quod Christus magister et præcepit et gessit, humana et novella institutione discedatur.* Norinus enim per se panem, per se vinum ab ipso Domino traditum. Quem morem sic semper in sancta Ecclesia conservandum docemus atque præcipimus, præter in parvulis ac omnino infirmis, qui panem absorbere non possunt: quibus satis communicari in sanguine. Ernulphus Episc. Roffensis (of Rochester) showed himself of another opinion in epist. ii. ad Lambertum in 1120 (d'Achery spicileg. iii. 470.) Lambert had asked him: cur hodierna Ecclesiæ consuetudo alio et paene contrario ritu censeat porrigi corpus dominicum, quam a Domino in coena discipulis suis fuerit distributum? Id enim quotidianus Ecclesiæ prætendit usus, ut tribuatur hostia sanguine intincta, cum a Domino prius corpus, deinde sanguis porrectus fuisse, memoretur. Ernulphus first vindicates the right of the Church to make such alterations: Haec eis, cum quibus conversari dignatus est (Redemptor noster), verbo vel exemplo insinuavit, quæ faciendæ erant docens, certum quo faciendæ erant modum præfigere omittens.—Qua in re insinuasse videtur, quæ præcepta sunt non fieri non licere; pro ratione vero necessitatis vel honestatis alio et alio modo fieri licere. Then concerning the grounds for the alteration mentioned in the question he says, Nos carnem Domini intingimus in sanguine Domini, ne accipientes sive porrigentes peccemus, non habita forte competenti cautela in labiis et manibus nostris. Evenit enim frequenter, ut barbati et prolixos habentes granos, dum poculum inter epulas sumunt, prius liquore pilos inficiant quam ori liquorem infundant. Ii si accesserint ad altare liquorem

laity.¹¹ However this withholding of the cup, although it was much extended, especially after the time of Thomas and Bona-

sanctum bibituri, quomodo periculum devitare poterunt inter accipendum, quomodo uterque, accipiens videlicet et porrigens, effugient grande peccatum? Praeterea si imberbes et sine granis, aut mulieres ad sumendam communionem sanctam convenient, quis sacerdotum poterit tam provide ministrare,—ut nihil effundat? etc. Lastly he states that the decree of Pope Julius (for thus he styles the Canon Braccar. even in his time) was invalid. Accordingly that custom was maintained in England until the Conc. Lond. ann. 1175 c. 16. prohibited it.

¹¹ Learned Catholics as Bona rerum liturgicarum lib. ii. c. 18, Mabillon comment. in Ordinem Romanum before his Musei Italici T. ii. p. lxi. perfectly agree to this change. Compare especially J. G. de Lith de adoratione panis consecrati et interdictione sacri calicis in Eucharistia, ed. J. C. de Lith Suobaci 1753. 8. p. 158 ss. Spittler's Gesch. des Kelchs im Abendmahl, Lemgo 1780. 8.—The causes of withholding the cup are clear from note 10: to this also contributed the fact that since Anselm's time the determination was generally received, in utraque specie totum Christum sumi (see above, note 6), so that the Schoolmen were embarrassed to give a reason, why both elements should be received. cf. Guillelmus de Campellis (ex Ms. in Mabillonii act. SS. Ord. Bened. saec. iii. P. i. praef. no. 75): Quod utraque species per se accipitur, eo fit, ut memoria corporis, quod in cruce visibiliter pependit, et memoria sanguinis, qui cum aqua de latere fluxit, arctius teneatur, et quasi praesentetur. Tamen sciendum, quod qui alteram speciem accipit, totum Christum accipit.—Quod ergo dicitur, utramque speciem oportere accipi, haeresis plane est.—Et ideo licet in alterutra specie totus sumatur, tamen pro causa praedicta sacramentum utriusque speciei ab Ecclesia immutabiliter retinetur. From this age, however, the first voice moved for the refusal of the cup, that of Rudolph Abb. s. Trudonis (St Trone in the territory of Liege) ex Ms. in Bona rer. liturg. lib. ii. c. 18:

Hic et ibi cautela fiat, ne presbyter aegris
Aut sanis tribuat laicis de sanguine Christi:
Nam fundi posset leviter, simplexque putaret,
Quod non sub specie sit totus Jesus utraque.

Then Robert Pulleyn about 1140. Sentent. P. viii. c. 3: Primo corpus, post sanguis a presbyteris est sumendus: institutio Christi mutanda non est.—Verum qualiter a laicis eucharistia sumi deberet, sponsae suae commisit iudicio: ejus consilio et usu pulere fit, ut caro Christi tantum laicis distribuatur. Nimirum periculose fieret, ut sanguis sub liquida specie multitudini fidelium in Ecclesia divideretur: longe periculosius, si infirmatis per parochiam deferretur. These, however, are the only traces of withholding the cup in the 12th century: for all other writers of this age, Ivo, Rupert, Bernard, Hugo de St Victor, Peter Lombard (Sent. lib. iv. dist. 11: Quare sub duplici specie sumitur, cum sub alterutra totus sit Christus? Ut ostenderetur totam

humanam naturam assumpsisse, ut totam redimeret. Panis enim ad carnem refertur, vinum ad animam, quia vinum operatur sanguinem, in quo sedes animae a physicis esse dicitur.—Si in altera [specie] tantum sumeretur, ad alterius tantum i. e. animae vel corporis, non utriusque pariter, tuitionem valere significaretur. Sub utraque specie tamen totus sumitur Christus: nec plus sub utraque, nec minus sub altera tantum sumitur.), Peter of Blois, &c., all speak of receiving in both kinds, and represent this mode as universal, see de Lith. l. c. p. 212 ss. Gratian (P. iii. de consecratione dist. 2. c. 12) adopts this passage from Pope Gelasius: Comperimus autem, quod quidam, sumpta tantummodo corporis sacri portione, a calice sacri cruoris abstineant. Qui proculdubio (quoniam nescio qua superstitione docentur obstringi) aut integra sacramenta percipiant, aut ab integris arceantur; quia divisio unius ejusdem mysterii sine grandi sacrilegio non potest provenire: and even a Synod in Pulleyn's own country, in the year 1220, Syn. Dunelmensis (Wilkins Conc. Magnae Brit. i. 548.) says: Instruere insuper debetis laicos, quoties communicant, quod de veritate corporis et sanguinis Christi nullo modo dubitent. Nam hoc accipiant procul dubio sub panis specie, quod pro nobis pependit in cruce: hoc accipiant in calice, quod effusum est de Christi latere. At the same time, however, an Englishman (Alexander Halesius in Sent. lib. iv. qu. 53. membr. 1), bears witness to the existence of the opposite practice, and throws remarkable light on the state of the question: Utrum liceat sumere corpus Christi sub specie panis tantum sine sumptione sub specie vini? Cum Dominus Jesus in tota integritate sua contineatur sub utraque specie, scil. panis et vini, videtur quod sufficiat illum sumere sub una specie: ut enim supra dictum est, corpus et sanguis, anima et divinitas in Christo inseparabiliter unita sunt.—Contra de consecr. dist. ii. Comperimus (see the passage just quoted from Gratian) sic sumentes judicantur rei peccati sacrilegii.—Item Dominus in institutione hujus sacramenti dispensavit corpus suum sub specie panis et vini, ex quo videtur,—quod hoc debeat fieri sub duabus speciebus. Item corpus Christi non est sacramentaliter sub specie vini, neque sanguis ejus sub specie panis: ad hoc ergo, quod sacramentaliter sumatur Christus, necesse est quod sumatur sub duabus speciebus, cum non contineatur sacramentaliter sub una. Item potest quaeri, si hoc sacramentum habeat eandem efficaciam sumptum sub una specie et sub duabus. *Responsio*: Dicendum, quod quia Christus integre sumitur sub utraque specie, bene licet sumere corpus Christi sub specie panis tantum, *sicut fere ubique fit a laicis in Ecclesia*. Quod autem dicit canon ibi *Comperimus* etc. intelligitur de confidente. Ecclesia autem istud sacramentum dispensare consuevit sub specie panis tantum, tum propter periculum effusionis, quod forte accideret, si sub specie vini dispensaretur, tum propter vitii infidelitatis amotionem, quod se non immerito simplicium mentibus ingereret, si semper sub speciebus panis et vini daretur: quia, si ita fieret, possent simpliciores credere, quod Christus non contineretur integre sub altera specie, sicut contingit quandoque. Unde aliquibus religiosius petentibus et instantibus, ut sub utraque specie sumerent sacramentum, sacerdote quodam pio cantante, cum faceret fractionem, concavum patenae totum visum est repleri sanguine, ad quod obstupue-

ventura¹² was not yet in this period of time, an universal custom

runt ipse et circumstantes : sed cum conjungeret partes hostiae, totum visum est reintrare, et petitioni et temptationi illorum penitus fuit satisfactum. Ad illud, quod obijecitur de dispensatione Domini. dicendum, quod Dominus insinuavit modum, quo debuit a conficientibus sumi.—Praeterea licet illa sumptio, quae est in accipiendo sub una specie, sufficiat : illa tamen, quae est sub duabus, est majoris meriti. tum ratione augmentationis devotionis, cum ratione fidei dilatationis actualis, tum ratione sumptionis completioris. Ex his patet responsio ad quaesita, quia sumptio sub utraque specie, quem modum sumendi tradidit Dominus, est majoris efficaciae et complementi. Ecclesia tamen utitur alio modo propter causas praetactas. Still that the refusal of the cup could only have been the custom at that time in some few solitary churches, is plain from Albertus Magnus, cf. de Lith p. 226 ss., especially from his lib. de corpore Christi et sacramento altaris (de Lith p. 228—231 ex cod. Heilbronn.) He raises here the objection : Quidam faciunt quaestionem : quia enim Christus totus cum sanguine et anima et spiritu et deitate habetur sub specie istius cibi, quae est panis, videri potest alicui, quod nihil operationis in sacramento habet potus in specie vini. In answer he shows the necessity of the latter. Compare especially the conclusion : Quod ergo elicitur, quod alterum videtur esse superfluum, cum sanguis habeatur in corpore et corpus in sanguine. dicendum, quod hoc non est verum. Verum quidem est, quod sanguis habetur in corpore. sed non ex virtute sacramentali, sed ex unione naturali.—Et ideo oportuit, ut esset ibi confectio ex elemento potus, sicut fuit ex elemento cibi, quia aliter sacramentum in virtute et ratione sacramentali esset imperfectum.

¹² The principal argument against withholding the cup from the Laity, was this, that the blood of Christ could not be sacramentaliter, but only ex unione naturali sub specie panis—and therefore the celebration of the Lord's Supper in one kind must be imperfecta, and minoris efficaciae (see Alex. Hales. and Albertus M. note 11.) First Thomas (who, for Albert's unio naturalis, coined the expression concomitantia realis, or naturalis), and still more Bonaventura, endeavoured to meet this argument. Thomae Summa P. iii. qu. 76. art. 1 : Omnino necesse est confiteri secundum fidem catholicam, quod totus Christus (viz., divinitas, anima et corpus) sit in hoc sacramento. Sciendum tamen, quod aliquid Christi est in hoc sacramento dupliciter : uno modo quasi ex vi sacramenti, alio modo ex naturali concomitantia. Ex vi quidem sacramenti est sub speciebus hujus sacramenti id, in quod directe convertitur substantia panis et vini praexistens, prout significatur per verba formae, quae sunt effectiva in hoc sacramento : —ex naturali autem concomitantia est in hoc sacramento illud, quod realiter est conjunctum ei, in quod praedicta conversio terminatur. Si enim aliqua duo sunt realiter conjuncta, ubicumque est unum realiter, oportet et aliud esse. Art. 2 : Sub utraque specie sacramenti totus est Christus, aliter tamen et aliter. Nam sub speciebus panis est quidem corpus Christi ex vi sacramenti, sanguis autem ex reali concomitantia, sicut supra dictum est de anima et divinitate Christi. Sub speciebus

vero vini est quidem sanguis Christi ex vi sacramenti : corpus autem Christi ex reali concomitantia etc. Qu. 80. art. 12 with regard to the question : *Utrum liceat sumere corpus Christi sine sanguine?* He first unfolds the reasons why it is not, and then proceeds : *Sed contra est multarum Ecclesiarum usus, in quibus populo communicanti datur corpus Christi sumendum, non autem sanguis. Respondeo, dicendum, quod circa usum hujus sacramenti duo possunt considerari. Unum ex parte ipsius sacramenti, aliud ex parte sumentium. Ex parte quidem ipsius sacramenti convenit, quod utrumque sumatur, scilicet et corpus et sanguis : quia in utroque consistit perfectio sacramenti. Et ideo quia ad sacerdotem pertinet hoc sacramentum consecrare et perficere, nullo modo debet corpus Christi sumere sine sanguine. Ex parte autem sumentium requiritur summa reverentia et cautela, ne aliquid accidat, quod vergat ad injuriam tanti mysterii. Quod praecipue posset accidere in sanguinis sumptione : qui quidem si incaute sumeretur, de facili posset effundi. Et quia crevit multitudo populi christiani, in qua continentur senes et juvenes et parvuli, quorum quidam non sunt tantae discretionis, ut cautelam debitam circa usum hujus sacramenti adhibeant : ideo provide in quibusdam Ecclesiis observatur, ut populo sanguis sumendus non detur, sed solum a sacerdote sumatur.* Against the objection that this must be a sacramentum imperfectum, dicendum, quod perfectio hujus sacramenti non est in usu fidelium, sed in consecratione materiae. Et ideo nihil derogat perfectioni hujus sacramenti, si populusumat corpus sine sanguine, dummodo sacerdos consecransumat utrumque. Bonaventura on this point in *Sent. lib. iv. dist. 11. P. 2. art. 1. qu. 2.* treats the question more at length : *An utraque species sit de integritate sacramenti?* His decision is : *Dicendum, quod in sacramento duo sunt, scilicet efficacia et signantia. Esse igitur de integritate sacramenti dupliciter est : aut quantum ad efficaciam ; et sic neutra species est de integritate, sed quaelibet est totum, quod habet efficaciam : aut quantum ad signationem vel significationem ; et sic sunt de integritate, quia in neutra per se exprimitur res hujus sacramenti, sed in utraque simul.—Ideo fideles recipiant perfectum sacramentum sub una specie, quia ad efficaciam recipiunt. Sed quantum ad signantiam, sufficit quod Ecclesia facit in eorum praesentia, nec oportet, quod ipsi recipiant, propter periculum effusionis, et propter periculum erroris, quia non crederent simplices in altera specie totum Christum recipere.* After this period the Dominicans and Franciscans were both for communion in one kind ; but in Thomas' own time, in 1261, a Capitulum generale Cisterciensium past the decree (in Martene thes. anecdot. iv. 1418) : *Cum ex participatione sanguinis Domini—pericula inde veniant gravia,—ordinat Capitulum generale, quod monachi, conversi, moniales Ordinis, exceptis ministris altaris, ad calicem more solito non accedant.* In order to accustom the laity to being deprived of the cup the same artifice was employed as in the suppression of the communion of children (see above note 9) : unconsecrated wine was administered in the place of consecrated, see Conc. Lambethense ann. 1281 cap. 1. (Mansi xxiv. 406, more correctly in Lindwood's provinc. Anglican. p. 9) : *Doceant [sacerdotes] etiam eosdem simplices, quod id quod eisdem in calice propinatur non est sacramen-*

in the Church.¹³ Further, it was the practice in the thirteenth century to adore the presence of Christ in the consecrated elements;¹⁴ and Urban IV. even appointed in the year 1264,

tum, sed vinum purum eis hauriendum traditum, ut facilius sacrum corpus glutiant, quod ceperunt. Solis enim celebrantibus sanguinem sub specie vini consecrati sumere in hujusmodi minoribus Ecclesiis est concessum. Then also the miracle of the blood lately introduced, of which Alexander of Hales gives the earliest instance (note 11), and which now grew more common, as well as the visible appearance of the flesh, contributed to this effect: de Lith. p. 520 ss. There were the following instances of this in the Marquisate of Brandenburg alone; in Zehdenik 1249 (Spiekers Kirchen u. Reformationsgeschichte der Mark Brandenburg i. 271), soon after in Belitz (s. 273), and in 1287 at Pritzwalk (s. 393.)

¹³ Synodus Exoniensis ann. 1287 c. 4. in fine: [Laici] priusquam communicent, instruantur per sacerdotes, quod illud accipiunt sub panis specie, quod pro illorum salute pendit in cruce: hoc suscipiunt in calice, quod effusum de corpore Christi. Guilelmus Durantis in Rationale divinor. offic. lib. iv. c. 54. § 12: solum hostiam recipiens non plenum sacramentaliter recipit sacramentum. Etsi enim in hostia consecrata Christi sanguis sit, non tamen est ibi sacramentaliter, eo quod panis corpus et non sanguinem, et vinum sanguinem significat et non corpus. The same man mentions an intermediate custom lib. iv. c. 42. § 1. In quibusdam locis post sumptionem corporis et sanguinis Christi aliquid de ipso sanguine reservatur in calice, et superinfunditur vinum purum, ut ipsi communicantes inde sumant: non enim esset decens tantum sanguinem conficere, nec calix capax inveniretur. This practice seems to have risen in Rome, see Ordo Romanus in Mabill. mus. Ital. ii. 14. and Comment. in. Ord. Rom. ibid. p. lvii. ss. de Lith. p. 246 s. It is astonishing too to see with what difficulty the new custom found entrance into many monasteries. Notwithstanding that statute of the General Chapter of the Cistercians (note 12) Artexanus comun. in Sent. iv. tit. 17. qu. 3. reports about the year 1330 (Spittler s. 37): Cistercienses et quidam alii post sumptionem corporis et sanguinis dimittunt ibi aliquid de sanguine, ut infundatur vinum purum, et postea communicantes aliquid inde possint sumere, just as was prescribed in the old Usus Cistercienses cap. 53. Mabillon comm. in Ord. Rom. p. lvii.), and even in the sixteenth century, Cardinal Cajetan says, quod in Ordine Cisterciensi alicubi communicio fieri legitur sub utraque specie (Manrique annal. Cisterc. i. 53.) Thus also in the great monasteries of Monte Cassino, Cluny, and St Denys, communion in both kinds was allowed for the administrators at least (Mabillon l. c. p. lxiii. see Spittler s. 56.) How long the custom was maintained elsewhere also, see de Lith. p. 257 ss.

¹⁴ The Ritus elevationis was in use in the Greek Church as early as the end of the seventh century, in the Latin since the eleventh, but only as a symbol of the exaltation of Christ (Bona rer. liturg. lib. ii. c. 13. § 2. Dallaeus de cultibus religiosis Latinorum libb. iii. c. 20—22. Matth. Larrogue histoire de l'Eucharistie. Amsterd. 1669. P. i. c. 9.)

that a festival which had risen up in the diocese of Liege,¹⁵ dedicated solely to the honour of the consecrated host (the festum

On the introduction of adoration see Caesarius Heisterbacensis (about 1225) de miraculis et visionibus sui temporis dialog. lib. ix. c. 51: Tempore schismatis inter Philippum et Othonem dominus. Wido Cardinalis, aliquando Abbas Cisterciensis, cum missus fuisset Coloniam (ann. 1203) ad confirmandam electionem Othonis, bonam illie consuetudinem instituit: praecepit enim, ut ad elevationem Hostiae omnis populus in Ecclesia ad sonitum nolae veniam peteret, sicque usque ad calicis benedictionem prostratus jaceret. Praecepit etiam idem Cardinalis, ut quoties deferendum esset ad infirmum, scholaris sive campanarius sacerdotem praecedens per nolan illud proderet: sicque omnis populus tam in stratis quam in domibus Christum adoraret. To encourage people to do so, he relates how miles quidam in Francia, who had met the sacrament, de equo prosiliens in lutum se misit, in quo flexis genibus, elevatis manibus Christi corpus adoravit; and how it was granted him in reward, ut totius luti nec una quidem guttula vestimentis ejus adhaereret etc. (This Cardinal brought with him into Germany many anecdotes of like import besides this. See Alberici chron. ad ann. 1200, p. 419 s.) Honorius III. decreed in 1217 (Deer. Greg. lib. iii. tit. xli. c. 10): Sacerdos vero quilibet frequenter doceat plebem suam, ut, cum in celebratione Missarum elevatur hostia salutaris, quilibet se reverenter inclinet, idem faciens, cum eam defert presbyter ad infirmum. The old law of the Church which even Alexander III. had confirmed (Deer. Greg. lib. ii. tit. ix. c. 2): diebus dominicis et aliis praecipuis festivitatibus, sive inter Pascha et Pentecosten, genuum flexio nequaquam debet fieri, nisi aliquis ex devotione id velit facere in secreto: in obedience to which the adoration was rendered on these days a stantibus capite inclinato (de Lith p. 39 ss.), Gregory X. was the first to abrogate it in his Caeremoniale Romanum (in Mabill. museum Ital. ii. 235), at least in part, by the alteration that in Quadragesima usque ad Pascha, et ab octava Pentecostes usque ad Natale, et ab octava Epiphaniae usque ad Quadragesimam in diebus ferialibus at certain prayers men were to kneel. In elevatione vero corporis Christi, cum antea parum debeant surgere, prosternant se ad terram, et adorent reverenter in facies cadendo: et sic prostrati stent usque ad *Per omnia*, ante *Agnus Dei*, et dant pacem, et iterum se prosternunt, et stant sic prostrati, quousque sacerdos corpus et sanguinem sumat.

¹⁵ According to common opinion, Robert, Bishop of Liege, instituted this festival in the year 1246, for his diocese, in consequence of the Revelation, which first Juliana, Priorissa montis Corneliæ at Liege, afterwards also her friends Eva, virgo reclusa s. Martini, and Isabella, a nun at St Cornelius, received. This cannot, however, be so: for the Cistercian Aegidius, a contemporary (he closes his history with the year 1251) in his gestis pontificum Leodiensium (in Chapeavilli gestorum Pontific. Leod. scriptores tom. ii.) speaks not a syllable of this festival, though elsewhere he disclaims no miracle, and in c. 134, p. 266 even mentions the increased estimation of the celebration of the festival of Lambert

corporis Domini) should be observed by the whole Church.¹⁶ After the death of this Pope the new festival was discontinued ;

brought about by Robert. The first historian of Liege who speaks of it, Johannes Hoeseimius (canon at Liege about 1348 in his gesta Pontiff. Leodiens cap. 6 (in Chapeville ii. 293), says only as follows : Anno vero Domini 1259 (vel forte 1260 cum tunc secundum quosdam Urbanus praeesse coeperit) Henricus Episcopus, instinctu cuiusdam Reclusae juxta Ecclesiam s. Fidis, cui de sacramento fuit ostensa visio, Urbano Papae quarto (cui nihilominus haec nota fuerat, cum dudum fuisset Canonicus Leodiensis, viz. down to 1255, Raynald ad h. a. no. 65) super hoc suas literas destinavit, quibus inductus Papa hoc festum instituit celebrari, *quod ex tunc a Leodiensibus est receptum*, et postmodum continue per plures Ecclesias in Germania et Francia a Clero et populo celebratum, sed demum per alias universaliter recipitur Ecclesias, cum Johannes Papa xxii. constitutionem Urbani super hoc factam, quae incipit *Transiturus de hoc mundo ad Patrem* (quam Clemens Papa V. observari districte praeceperat ab omnibus in Concilio Viennensi), fecisset cum caeteris Clementinis constitutionibus celebrari. The following historians of Liege, Joannes Ultramasanus and Joannes Warnantius had no further knowledge of the matter : not till 1496 did Johannes Blaerus Diesthemius. Prior of the Benedictine monastery of St. James in Liege, write his *Historia revelationis b. Julianae* anno 1230 divinitus factae de institutione festi corporis Christi (printed in Bzovii annal. eccl. ann. 1230 no. 16), where all is new even the name Juliana. For this reason Onuphrius Panvinius († 1558) is fully justified in declaring all these revelations to be fables (Chapeville ii. 658). Afterwards indeed a vita b. Julianae, written professedly by a contemporary author, was brought to light, it is given in abstract by Chapeville ii. 641, entire in the acta SS. April. i. 443 ad d. 5. April., however it does not contribute much to the illustration of the subject.

¹⁶ The Bull, in the Magnum Bullarium Rom. i. 446, is also quoted entire in Clement's Bull of confirmation Clementin. lib. iii. tit. 16. (some various readings from a manuscript at Basle may be seen in J. Zwingeri tract. de festo corporis Christi, Basil. 1685. p. 17). There we find : Licet igitur hoc memoriale sacramentum in quotidianis Missarum solemnibus frequentetur, conveniens tamen arbitramur et dignum, ut de ipso semel saltem in anno, ad confundendam specialiter haereticorum perfidiam et insaniam, memoria solemnior et celebrior habeatur. In die namque coenae Domini, quo die ipse Christus hoc instituit sacramentum, universalis Ecclesia pro poenitentium reconciliatione, sacri confectione chrismatis, adimplentione mandati circa lotionem pedum, et aliis quamplurimum occupata, plene vacare non potest celebrationi hujus maximi sacramenti.—Potissime igitur exequendum est ergo hoc vivificum sacramentum corporis et sanguinis Jesu Christi,—ut festivitate ac celebritate praefulgeat speciali, quatenus in eo, quod in aliis Missarum officiis circa solemnitatem est forsitan praetermissum, devota

but afterwards in the year 1311, it was established for ever in the Church by Clement V.¹⁷

Since, down to this time, the conception of a sacrament had been very fluctuating,¹⁸ a more positive definition of the word and the enumeration of seven sacraments, was introduced by

diligentia suppleatur, et fideles festivitate ipsa instante, intra se prae-terita memorantes, id quod in ipsis Missarum solenniis, saecularibus forsitan agendis impliciti, aut alias ex negligentia vel fragilitate humana minus plene gesserunt, tunc attente in humilitate spiritus et animi puritate restaurant. Intelleximus autem olim dum in minori essemus officio constituti, quod fuerat quibusdam Catholicis divinitus revelatum, festum hujusmodi generaliter in Ecclesia celebrandum.

¹⁷ Clementin. libb. iii. tit. 16. cap. unic.

¹⁸ The word sacramentum, in the sense of sacrum signum, was used of very many ecclesiastical ordinances. Thus Augustine (de peccato orig. c. 40) calls exorcism, and the salt which was held out to the catechumens, sacramentum (de peccatorum mer. et remiss. ii. c. 26.) Afterwards the word was used in a narrower sense, as in the passage of Isidorus Hispal. Origines lib. vi. c. 19, which was repeated word for word by Rabanus Maurus de institut. cleric. i. c. 24) in Hittorp. de Eccl. cath. off. p. 320) and Ratramnus de Eucharistia: Sunt autem sacramenta baptismus et chrisma, corpus et sanguis, quae ob id sacramenta dicuntur, quia sub tegumento corporalium rerum virtus divina secretius salutem eorundem sacramentorum operatur: unde et a secretis virtutibus vel sacris sacramenta dicuntur. Thus also Paschasius Radbertus de coena Domini c. 3. Sunt autem sacramenta Christi in Ecclesia baptismus, corpus quoque Domini et sanguis. Comp. Ph. Marheinecke's christl. Symbolik iii. 101. Even in Lombard's century many different views on the sacraments were brought forward. Godefridus Abb. Vindocinensis ($\frac{1}{4}$ after 1129) de ordinatione Episcoporum (Bibl. PP. Lugd. xxi. 60): Annulus autem et virga, quando ab illis dantur, a quibus dari debent, sacramenta Ecclesiae sunt, sicut sal et aqua, oleum et chrisma, et quaedam alia, sine quibus hominum et Ecclesiarum consecrationes fieri non possunt. Afterwards the species baptismum, confirmationem, infirmorum unctionem, corporis et sanguinis Domini perceptionem, as the most important sacraments. opusc. viii. l. c. p. 64.) Bernard, of the same date with Lombard, designates washing feet as a sacrament (Sermo in coen. Dom. § 4. opp. ii. 176: ut de remissione quotidianorum [peccatorum] minime dubitemus, habemus ejus sacramentum, pedum ablutionem. Quaeris forte, unde sciam, quod sacramentum sit hujus remissionis?—Illud attende quod Petro dictum est [Jo. 13. 9]: si non laveris te, non habebis partem mecum. Aliquid igitur latet quod necessarium est ad salutem, quando sine eo nec ipse Petrus partem haberet in regno Christi et Dei. Gratian had not in his day accepted seven as the number of the sacraments, he calls, however, six of them sacramenta, and is only silent on the unctio infirmorum.

Hugo de St Victor,¹⁹ and ratified by Peter Lombard, and

¹⁹ In his work de Sacramentis he gives quite a different enumeration. He there defines the conception of a Sacrament in the following manner, lib. i. P. ix. c. 2. Sacramentum est corporale vel materiale elementum foris sensibilibus propositum ex similitudine repræsentans, et ex institutione significans, et ex sanctificatione continens aliquam invisibilem et spiritalem gratiam. Afterwards, in cap. 7, he lays down three kinds of sacraments. Sunt enim quedam sacramenta, in quibus principaliter salus constat et percipitur: sicut aqua baptismatis, et perceptio corporis et sanguinis Christi. Alia sunt, quæ etsi necessaria non sunt ad salutem (quæ sine his salus haberi potest), proficiunt tamen ad sanctificationem, quia his virtus exerceri et gratia amplior acquiri potest: ut aqua aspersionis, et susceptio cineris et similia. Sunt rursum alia sacramenta, quæ ad hoc solum instituta esse videntur, ut per ipsa ea, quæ cæteris sacramentis sanctificandis et instituendis necessaria sunt, quodammodo præparentur et sanctificentur: vel circa personas in sacris Ordinibus perficiendis, vel in iis, quæ ad habitum sacrorum Ordinum pertinent, initiandis et cæteris hujusmodi. Prima ergo ad salutem, secunda ad exercitationem, tertia ad præparationem constituta sunt. Accordingly he first treats of the third class, vid. lib. ii. P. iii. and iv. de Ordinibus, P. v. de sacramento dedicationis Ecclesiae, next of the first, P. vi. de baptismo, P. vii. de confirmatione, P. viii. de sacramento corporis et sanguinis Christi, and then proceeds P. ix. to the second class, the lesser sacraments, of which he says in general cap. 1: Ex his sacramentis alia constant *in rebus*, qualia sunt aqua aspersionis, susceptio cineris, benedictio ranorum et cereorum et cætera talia: alia autem constant *in factis*, qualia sunt signaculum crucis, exsufflatio exorcizationis, expansio manuum, incurvatio genuum et alia hujusmodi: alia *in dictis* constant, sicut trinitatis invocatio, et quæcunque in hunc modum. Then after he had treated of simony in P. x. he returns again, without specifying the class to which they belong, P. xi. to the sacramentum conjugii, P. xiv. to confessio et poenitentia et remissio peccatorum, which last however he nowhere calls a sacrament, and P. xv. to the sacramentum unctionis infirmorum. Compare Liebner's Hugo v. St Victor S. 423. Not so in his Summa Sententiarum. There we find tract iii. c. 16: Contra illa septem vitia sunt virtutes, quas pariunt septem dona Spiritus sancti. Tract iv. c. 1: Contra peccata tam originalia quam actualia, de quibus diximus, inventa sunt sacramentorum remedia. Thus it appears that the number of the sacraments is stated as seven: however in the following treatise only six are brought forward, to wit, tract. v. baptismus, tract. vi. sacramenta confirmationis, altaris, poenitentiae, unctionis extremae, tract. vii. sac. conjugii. The sacramentum ordinis is left out. The work de ceremoniis, sacramentis, officiis et observationibus ecclesiasticis, that has been published in Hugo's name, in which i. 12 the seven sacraments were enumerated according to the decision of Lombard, as septem principalia sacramenta, was not composed by Hugo but by Robertus Paulus, Presbyter Ambianensis.

generally established;²⁰ although at first a significant distinction was recognized among them, with regard to their institution as well as their importance.²¹ Thomas Aquinas brought the sacramental system of the Church to its consummation.²²

²⁰ At all events according to the *vita s. Ottonis in Canisii lectt. ant. T. iii. P. ii. p. 61 ss.* So early as the year 1124, Otto preacht the seven sacraments to the Pomeranians: however that life was written between 1139 and 1189, and the speeches can hardly be verbally correct. Peter Lombard, *Sent. lib. iv. dist. 1—42*, treats of the sacraments, and there he follows for the most part word for word the *Summa* of Hugo de St Victor, only he introduces orders as the seventh sacrament. Definition *dist. i.*: *Sacramentum proprie dicitur, quod ita signum est gratiae Dei, et invisibilis gratiae forma, ut ipsius imaginem gerat et causa existat.* *Dist. ii.*: *Sacramenta novae legis sunt baptismus, confirmatio, panis benedictio i. e. eucharistia, poenitentia, unctio extrema, ordo, conjugium. Quorum alia remedium contra peccatum praebent, et gratiam adjutricem conferunt, ut baptismus: alia in remedium tantum sunt, ut conjugium: alia gratia et virtute nos fulciunt, ut Eucharistia et Ordo.*—Of the sacrament of extreme unction, it was frequently asserted in the 12th century, that it could be received but once: Ivo Carnot. *ep. 255*: *Unctionem, quam semel accepisti, non aestimo repetendam: quia secundum institutum apostolicae sedis genus est sacramenti. Qui autem sacramenta Christi et Ecclesiae repetit, injuriam ipsis sacramentis ingerit.* Godefridi Vindocinensis *ep. ad Ivonem in Ivonis opp. ed. Paris. 1647, ii. 204* and ejusdem *opusc. ix.*: *Inunctio infirmorum magnum sacramentum est, et ideo nulla est ratio iterandum.* Nevertheless Hugo de s. Victore de *sacram. lib. ii. P. xv. c. 3* and *Summa Sent. tract. vi. c. 15*, controverts this view, and Peter Lombard *lib. iv. dist. 23* follows him. The latter refers the position of Augustine, *sacramentum non iterandum*, only to the sacraments of baptism, confirmation, and ordination. Quidam autem de omni sacramento intelligi volunt, quod non sit iterandum, scil. secundum totum illud quod pertinet ad sacramentum, dicentes, quaedam sacramenta saepius posse suscipi, quaedam vero non. Nec tamen, quae saepius sumuntur, totaliter iterantur, ut sacramentum altaris et unctionis: quae licet sumantur saepius, tamen quia non iterum benedicitur eadem hostia, vel idem oleum, non iteratur sacramentum cum injuria. Odo, Bishop of Paris from 1196, in his *Constitutiones synodicae c. 8* (*Mansi xxii. 680*): *Doceant (sacerdotes) frequenter populum, hujusmodi sacramentum licite iterari et saepe recipi, scil. in qualibet magna infirmitate, unde metus est mortis, et post susceptum licite reverti ad opus conjugale eum, qui convalescit de infirmitate.*

²¹ Alex. Hales. *P. iv. qu. 8. art. 2. § 3*: *Cum septem sint sacramenta, propter quid sola duo instituta sunt a Domino secundum suam formam, scil. baptismus et eucharistia?*—*Domini institutionem formae voluit nobis dare per seipsum in illis principalibus sacramentis novae legis, quia ista totum hominem uniunt in corpore Ecclesiae secundum unitatem fidei et caritatis, cum digne suscipiuntur etc.—Formam vero*

in aliis, quae non ita videntur esse principalia, per ministros Ecclesiae voluit ordinari. For instance it was frequently asserted of the Sacraments of confirmation, and extreme unction, that they were not instituted by Christ Himself, cf. Alex. Hales. P. iv. qu. 24. membr. 1. De institutione confirmationis: Sine praejudicio dicendum, quod neque Dominus hoc sacramentum, ut est sacramentum, instituit neque dispensavit, neque Apostoli.—Apostoli confirmati sunt a spiritu sancto immediate sine ministro et sacramento, et ipsi confirmabant sine sacramento.—Sed postquam Apostoli, qui erant bases Ecclesiae,—defecerunt: institutum fuit hoc sacramentum Spiritus sancti institutu in Concilio Meldensi, quantum ad formam verborum et materiam elementarem, cui etiam Spiritus sanctus contulit virtutem sanctificandi. Bonaventura P. iv. dist. 7. art. 1. qu. 1 et 2 agrees with this word for word. (The remarkable statement about the Concil. Meldense appears to have been drawn from Gratian's Decrees de consecrat. dist. 5. c. 7, where a decision or confirmation is transcribed from the Concil. Meldensi, although it belongs to the Conc. Paris. 829, lib. i. c. 33.) Of the Sacrament of Extreme Unction, Peter Lombard Sent. lib. iv. dist. 23 has expressly stated ab Apostolis institutum legitur, and Bonaventura ad lib. iv. dist. 23. art. 1. qu. 2 defends this assertion. Also of the Sacrament of Confession Bonaventura ad lib. iv. dist. 17. P. 2. art. 1. qu. 3 teaches, that Christ instituted it only quoad formale, i. e. potestatem absolvendi, when He assigned to the Apostles the power of the Keys: on the other hand quoad materiale, i. e. detectionem peccati, it was instituted not by Christ, but by the Apostles. In opposition to these views, the Dominicans Albertus Magnus and Thomas laid down that the institution of all Sacraments by Christ Himself was necessary. Thus Albertus M. in Sent. lib. iv. dist. 7. art. 2 in reference to confirmation, and lib. iv. dist. 23. art. 13 with regard to extreme unction: compare Thomas in Sent. lib. iv. dist. 23. qu. 1. art. 1. solutio 3. Quidam dicunt, quod sacramentum istud (*extremae unctionis*) et *confirmationis* Christus non instituit per se, sed Apostolis instituendum dimisit: quia haec duo propter plenitudinem gratiae, quae in eis confertur, non potuerunt ante Spiritus sancti missionem plenissimam institui: unde sunt ita sacramenta novae legis, quod in veteri lege figuram non habuerunt.—Alii dicunt, quod omnia sacramenta Christus instituit per se ipsum: sed quaedam per seipsum promulgavit, quae sunt majoris difficultatis ad credendum; quaedam autem Apostolis promulganda reservavit, sicut *extremam unctionem* et *confirmationem*. Et haec opinio pro tanto videtur probabilior, quia sacramenta ad fundamentum legis pertinent, et ideo ad legislatorem pertinet eorum institutio: et iterum quia ex institutione efficaciam habent, quae eis non nisi divinitus est.—Christus—non exhibuit aliquod sacramentum, nisi quod ipse accepit in exemplum. Accipere autem poenitentiam, et extremam unctionem sibi non competebat, quia sine peccato erat: et ideo ipse non exhibuit. Thus says he of confirmation Summae P. iii. qu. 72. art. 1: instituere novum sacramentum pertinet ad potestatem excellentiae, quae competit soli Christo. Et ideo dicendum est, quod Christus instituit hoc sacramentum, non exhibendo sed promittendo.

²² Thomae Summa theol. P. iii. qu. 60—150, and Suppl. ad P. iii.

qu. 1—68 (the last reference is drawn from his *Comm. in Sent. lib. iv. dist. 1—42.*) Examples of construction : The sacramentum matrimonii only rested on Eph. v. 32, and the Schoolmen were at fault, to prove there a virtutem sacramentalem : So Lombard (above note 20) says : in remedium tantum esse (quite agreeing with Hugo a S. Victore de Sacram. lib. ii. P. xi.) : on this head Thomas Aquinas in *Sent. lib. iv. dist. 2. qu. 1. art. 1* : gratia, quae in matrimonio confertur, secundum quod est sacramentum Ecclesiae in fide Christi celebratum, ordinatur directe ad reprimendum concupiscentiam quae concurrat ad actum matrimonii ; et ideo Magister dicit, quod matrimonium est tantum in remedium, sed hoc est per gratiam, quae in eo confertur. Notwithstanding this explanation the statement : quod quaedam sacramenta novae legis instituta sunt in remedium tantum, ut matrimonium, fell among the Articuli, in quibus Magister non tenetur (d' Argentré i. 118.)—Thus came in also in after times the doctrine of character, of which neither Lombard nor Gratian knew anything. Already Augustine (*Contr. Epist. Parmen. lib. ii. c. 13*, in Gratian. P. ii. caus. i. qu. 1. c. 97) had compared Baptism and Ordination, inasmuch as by them a man receives his fellowship in Christianity and his warrant for exercising the priestly office, with the character militiae (character regius epist. 185. § 23), or the signum regale, the mark that was imprinted on the soldier's arm or hand. Thus Innocent III. *Decr. Greg. lib. iii. tit. 42. c. 3*, speaks of a character qui in baptismo imprimitur. But afterwards Alexander of Hales (in *Sent. lib. iv. qu. 8. membr. 8*) makes the character which was communicated by the Sacraments of Baptism, confirmation and orders, a subject of special enquiry : Bonaventura (in *Sent. lib. iv. dist. 6. P. 1*) and Thomas Aquinas (*Summa P. iii. qu. 63*) brought the doctrine to completion. Thomas (l. c. art. 2) confutes those who, holding the primitive opinion, asserted, quod character non sit spiritualis potestas, but only signum sanctum communionis fidei, et sanctae ordinationis, datum a hierarcha. According to him on the other hand, character importat quandam potentiam spiritualem ordinatam ad ea, quae sunt divini cultus, and (art. 5) aliter est in anima gratia, et aliter character. Nam gratia est in anima, sicut quaedam forma habens esse completum in ea : character autem est in anima, sicut quaedam virtus instrumentalis.—Gratia inest animae mutabiliter, character indelebiliter. Duns Scotus (ad lib. iv. dist. 6. qu. 9. § 13) declares : licet characterem inesse animae, non possit probari per rationem naturalem,—licet etiam ex creditis manifeste, sive quae sunt explicite de substantia fidei, sive quae continentur in Scriptura, sive quae manifeste per Sanctos sunt elicta ex creditis, non possit probari, tamen poni potest etc.—Sentiendum est de sacramentis Ecclesiae, sicut sentit Romana Ecclesia : Romana autem Ecclesia videtur sentire, characterem imprimi in anima in baptismo, sicut dicit Innoc. III. (see above) :—propter ergo solum auctoritatem Ecclesiae, quantum occurrit ad praesens, est ponendum, characterem imprimi.—The idea of the Opus operatum is first found in Duns Scotus lib. iv. dist. 1. qu. 6. § 10 : Sacramentum ex virtute operis operati confert gratiam, ita quod non requiritur ibi bonus motus interior, qui mereatur gratiam : sed sufficit, quod suscipiens non ponat obicem. On the other

§ 78.

ADORATION OF SAINTS.

In the Crusades and the many new monastic orders, the principal causes are to be found, why the number of saints¹

hand there remained a controversy on the cause of the efficacy of Sacraments. Thomas Summa P. iii. qu. 62. art. 1 impugns the opinion quod sacramenta non sunt causa gratiae aliquid operando, sed quia Deus sacramentis adhibitis in anima gratiam operatur. The Principalis Causa is God, the instrumentalis the Sacrament itself; art. 4: Sed ponendo, quod sacramentum est instrumentalis causa gratiae, necesse est simul ponere, quod in sacramento sit quaedam virtus instrumentalis ad inducendum sacramentalem effectum. He thus assumes, in corpore (i. e. in sacramentis) esse virtutem spiritualem instrumentalem. Duns Scotus lib. iv. dist. 1. qu. 5 controverts at great length this virtus spiritualis or supernaturalis, and asserts on the other hand: Susceptio sacramenti est dispositio necessitans ad effectum signatum per sacramentum, non quidem per aliquam formam intrinsecam, per quam necessario causaret terminum, vel aliquam dispositionem praeiviam: sed tantum per assistentiam Dei causantis illum effectum.

¹ The growth of the Legend of the 11,000 virgins is in itself characteristic of the age. We find, even in Wandelberti martyrol. rhythm. (about the year 850), if the passage is genuine in other respects, ad xxi. Oct.

Tunc numerosa simul Rheni per litora fulgent
Christo virgineis erecta trophaea manipulis
Aggrippinae urbi, quarum furor impius olim
Millia mactavit, ductricibus inclyta sanctis.

On the other hand in Usuardus (about 876) ad xx. Oct. Civitate Colonia passio sanctarum virginum Marthae et Saulae cum aliis pluribus. In a Kalendarium Eccl. Coloniensis saec. noni ed. A. J. Binterim, Colon. 1821. 4. ad xxi. Oct. xi. Virginum, Ursulae, Sanciae, Gregoriae, Pinosae, Marthae, Saulae, Britulae, Satinae (leg. Santinae), Rabaciae, Saturiae (leg. Saturniae), Palladiae (see the same names in Adonis martyrolog. op. H. Rosweydi, Antwerp 1613. fol. App. p. 212.) First at Treves in a Kalend. saec. xi. (in Hontheim prodrom. hist. Trev. i. 385) we find: Sanctarum Virginum . . . millia; afterwards in another dated the end of the 11th century (ibid. p. 392), and in a third of the year 1128 (ibid. p. 399): XI. milium Virginum. Probably an ancient legend of Cologne, about many Virgins, who had been slain by the Huns, was connected with the unknown saintly virgins of the 20th and 21st Oct. (Compare the similar legend of St Sunniva in Norway, Münter's Kirchengesh. v. Danemark u. Norw. i. 432. 478.) The number 11,000 appears to have risen from a misunderstanding of the ancient martyrologies: according to Valesius the

antient and modern, increased in such an extraordinary manner

reading may there have been s. Ursula et Undecimilla V. M. according to Leibnitz, as there is no such name as Undecimilla, Ursula et Ximillia: yet more probably it was a false reading for XI. M. Virgines (martyres Virg. this is the case in the Martyrol. Rom. ad d. 25. Oct. Roma natalis Sanctorum XLVI. militum;—et alii Martyres centum viginti et unus: instead of this reads the antient Martyrologium Gellonense in d' Achery spicil. ii. 25 Roma Natalis Sanctorum XLVI. seu millia centum viginti quatuor.) A legend forthwith grew up (in Surius ad 21. Oct. Sigebert. Gembl. ad ann. 453 in Pertz. viii. 310): when in aftertime heretical parties began to gain ground at Cologne (see below § 87, note 11), then the bones of the virgins markt with their names were discovered to be a powerful and miraculous aid against them in the year 1156, and their history was most fully revealed to St Elizabeth, Abbess of Schönau. cf. Elizabethae visionum lib. iv. c. 2 (in the Corpus revelationum ss. Brigittae, Hildegardis, Elizabethae. Colon. Agripp. 1628. fol. ii. 205): Quando complacuit Domino misereri super martyres suas pretiosas, quae per multa tempora jacuerant sine honore sub pedibus hominum et iumentorum secus muros urbis Coloniae; accidit ut viri quidam ibidem manentes accederent ad locum martyrii earum, et aperirent multa monumenta sanctorum corporum, atque ea inde sublata transferrent ad loca religiosa quae erant in circuitu, sicut a Domino fuerat ordinatum: erat autem annus dominicae incarnationis MCLVI. his fieri incipientibus.—Tunc inter caeteras una pretiosa martyr ibidem inventa est, in cuius sepultura titulus talis legebatur: *Sancta Verena virgo et martyr*: haec per manum ven. Abbatis nostri Hildelini inde in locum nostrum translata est, data ei a Tuitiensi Abbate domino Gerlaco, qui ad colligenda et honoranda illius sanctae societatis corpora, pia multum devotione fervebat.—In tempore eodem—reperita sunt inter sepulchra virginum multa corpora ss. Episcoporum atque aliorum magnorum virorum; erantque in monumentis singulorum repositi lapides habentes titulos sibi inscriptos, quibus dignoscebantur qui aut unde fuissent. Horum praecipuos et maxime notabiles transmisit ad me—praefatus Abbas, sperans aliquid mihi per gratiam Domini de eis posse revelari, et cupiens certificari per me, *utrum credendum eis esset an non: habebat quippe suspicionem de inventoris sanctorum corporum, ne forte lucrandi causa titulos illos dolose conscribi fecissent.* However all was right: and Elizabeth related in detail the revelations she had received from the saints themselves about their own history. In the year 1183 the praemonstrant-abbot Richard, who had betaken himself from England to the Abbey of Arnsberg (see Oudin de scriptt. eccl. ii. 1521), had already received fresh revelations to complete those of St Elizabeth, and wrote de passione ss. undecim millium virginum (in Jo. Crombach Ursula vindicata. Colon. 1667. fol.) According to St Elizabeth the sisterhood was attackt by the Huns about the year 238: Later writers, in order to avoid the awkward anachronism, have suggested a date between the year 452 and 466. Gobelhus Persona, Dean at Bielefeld about 1418, already discerns the Fable in his Cosmodromium Aet. vi. c. 14, and remarks

why the relics grew to a countless multitude,² and miracles of

that in general the revelations of St Elizabeth in multis contrariantur libris chronicis et historiis: also Baronius ad ann. 237. § 11. styles them the *Acta Ursulae et sociarum commentitia*. Compare J. Usserii *Britann. Ecclesiarum antiquit.* p. 323 ss. J. A. Schmidt *hist. eccl. fabulis maculata*. Saec. iii. p. 27. Rettberg's *Kirchengesch. Deutschlands* i. 3.—The worship of many saints was transplanted from the east into Europe, e. g. that of St Catherine (Baronius ad *Martyr. Rom.* d. 25. Nov.), of whom it is very doubtful whether she ever existed.—Examples of Papal canonization may be found in Schröckh xxviii. 173, (on the right of Reservation see above § 62. note 12.)

² Instances of the numerous relics which the Crusaders brought with them from Palestine, are to be found in J. J. Chifflet's *crisis hist. de linteis Christi sepulchral.* c. 9. and 10, and other writers. At Antioch in the year 1098 by means of a revelation, the spear was discovered with which the side of Christ was pierced, see Guiberti (Abbot of Nogent † 1124) *hist. Hierosolym.* V. 19, vi. 1. (in Bongars i. 516. 520.) At the conquest of Caesarea in 1101 the Genoese got into their possession a *vas coloris viridissimi*, in modum *parapsidis forinatum* (Willerm. *Tyr.* x. 16. in Bongars i. 784), supposed to be of emerald, but in reality cast in green glass, which was afterwards passed off as the holy grail, the vessel which Christ used at his last supper, see San Marte's *Wolfram v. Eschenbach* ii. 414. In the 12th century the seamless coat of Christ, which had been before kept in Galatia and at Jerusalem, was also produced in the west in several places, for instance in Trêves, Argenteuil, Rome, Bremen, etc. See the Holy coat of Treves and the 20 other holy coats without seam by Gildemeister and v. Sybel, *Dusseldorf* 1844. In no fewer different places, viz. in Antwerp, Rome, Aix, and others, they showed the *praeputium Christi* see Hirschii *hist. crit. praeputii Christi* (in Winckler's *anecdota historico-ecclesiastica*, Braunschweig 1757, i. 787.) In the monastery of Corbie in the 13th cent. (Mabillon *acta SS. Ord. Ben.* IV. i. 372) were to be found among other relics, a portion of Noah's beard, *de sanguine, de capillis, umbilico, praeputio, de vestimentis, et de omnibus, quae de Domino nostro Jesu Christo possunt in terra quantum ad hominem inveniri*. Comp. Hurter's *Innocenz III.* iv. 524. In the year 1163 (see the *Auctarium Aquicinense ad Sigebertum Gemblac.* by a contemporary writer in Pertz viii. 405.) *corpora trium Magorum a Rainaldo, Coloniensi electo, de Ecclesia quadam civitati Mediolanensi contigua, translata sunt, et—civitati Coloniensi illata, et in Ecclesia s. Petri reposita sunt. Si quis vult scire, quomodo de partibus suis translata sint Constantinopolim, et de Constantinopoli Mediolanum, id in Ecclesia s. Petri Coloniensis inveniet.*—That impostures were often practised by the venders of relics is plain from the prohibition *Syn. Pietav.* ann. 1100 c. 12, *Conc. Lateran.* gen. iv. ann. 1215 c. 62, *Conc. Burdegal.* ann. 1255 c. 9. Particularly worth reading are Guiberti (Abbot of Nogent † 1124) *libb. iii. de pignoribus Sanctorum* (in Guiberti *opp. ed. L. d' Achery. Paris. 1651. fol. p. 327 ss.*), in which the author, after first

demonstrating the imposture of the pretended tooth of Christ, which the Monks of St Medardus asserted to be in their possession, proceeds to denounce with unmitigated censure, the worship of saints and relics. Among other places see lib. i. c. 1. Sunt enim quam plurimae super quibusque Sanctis relationes, quibus potius eorum praeconium apud infideles impiari poterat, quam aliquatenus illustrari.—Et quibus super hujus inflictione naevi parsum putamus, cum non vitas, sed potius naenias aliquorum Apostolorum tanta infuscatas fuligine videmus? Et harum rotatus fabularum omnis carri stridore deterior, quam aedificationem afferet piis, qui etiam incentivum blasphemiae suggeret impiis? Quid Thomae historia, nisi strepitus aurium, appelletur, cui non semel Augustinus, sed locis pluribus refragatur? Egebat forsitan aut Deus, aut Sancti eorum, juxta illud Job (13, 7), mendacio, ut pro ipso loquerentur dolos!—Quid dicam de illis, qui nullis aliorum testimoniis claruerunt, et ex eo quod scripturis qualibuscunque celebrari putantur, potissimum tenebrantur?—Et quis illos, ut se juvare debeant, deprecetur, quos nescit utrum quippiam aequum Deum mereantur?—Certe vidi quosdam, qui cum diutissime aliquem, ut ferebant, sanctum, ex Britannia delatum, pro Confessore habuissent, mutato repente animo pro Martyre celebrarunt. Causas cum rogitassem, nil dignius super martyrio hominis quam de praetermissa confessione dixerunt.—Cap. 2. § 5: Crebro perspicimus ista susurro, et facta feretrorum circumlatione ridicula, et eorum, quos a rabie declamandi rabulos Hieronymus vocat, mendaciis quotidie cernimus alieni marsupii profunda nudari. Quorum tanta nebulonitate concutimur, tanta divinatorum adulatione ferimur, ut juxta praefatum doctorem scurras, helluones et catellanos [*leg. catillones*] liguriendo exsuperent corvos ac picas importuna garulitate praecedant. § 6. Celeberrima quaedam Ecclesia hujusmodi circumvagations agibat, et ad sui reparationem damni quaestus adhibito prolocutore quaerebat. Cumque super reliquiis suis sermonem plus aequo extuberat, prolato phylacterio ait (ego autem in praesentiarum): sciatis, inquit, quod intra hanc capsulam de pane illo, quem propriis Dominus dentibus masticavit, habetur: et si minus a vobis creditur, ecce heros, ait, iste (de me autem dicebat), quem vos in literis plurimum valere testamini, verbo meo, si necesse fuerit, testis assurgat. Fateor, erubui cum audissem, et nisi eorum praesentiam, quos ille auctores habere videbatur, reveritus essem,—falsarium ostendere debuissem. Quid dicam? ne monachi quidem, nedum clerici, ab hoc turpi emolumento se continent, ut res haereticas super fide nostra etiam me audiente pronuncient. Juxta enim illud Boëtianum jure insanus judicaretur, si contra insanos altercarer. Cap. 3. § 1: de Confessoribus quae censura ferenda? si in Martino, Remigio ac similibus totius Ecclesiae sensus adaequat, quid de eis proferam, quos praefatorum aemulum per villas ac oppida quotidie vulgus creat? Cum enim alii alios summos conspicerent habere patronos, voluerunt et ipsi quales potuerunt et facere suos, as 2 Reg. xvii. 29: *Unaqueque gens fabricata est Deum suum*.—Dicant ergo mihi, quomodo sibi illum patrocinari aestimant, de quo quicquid est sciendum ignorant. Nusquam de eo scriptum praeter nomen invenies. Cacterum tacente clero anus et muliercularum vilium greges talium patronorum commentatas historias

every kind were of almost daily occurrence.³ Both on the method

post insubulos et litiatoria cantitant: et si quis earum dicta refellat, pro defensione ipsorum non modo convitiis sed telarum radiis instant. —De cujus itaque statu omnino ambigis, talem petere nonne insani prorsus est capitis? et quem ignoras utrum melior te sit, quare postulas ut penes Deum pro te sit? —Sed quid in iis diu versor, cum tanta sit in totius Ecclesiae ore pudicitia, ut etiam Matris dominicae corpus resurrectione glorificatum dicere non audeat, ob hoc videlicet, quod necessariis argumentis comprobare non valeat? Et cum vas illud omni creatura post Filium praeclarius—irremuneratum inhonoratumve dimisisse ad experientiam corruptionis credere nefarium sit,—resuscitatum nequaquam dicere audeamus, nec ob aliud profecto, nisi quod probabilibus indiciis id asseverare non possumus.—Si de illa, cujus gloriam metiri omnis creatura non praevallet, ea quae praemissa sunt docere non possumus, de iis quorum salus et perditio incerta sunt, quid nisi silentium sempiternum imperare debemus? Porro sunt quaedam de aliquibus scripta, quae, multo deteriora naeniis, ne subulcorum quidem essent auribus inferenda. Certe cum plures sanctis suis summas antiquitates attribuant, moderno tempore eorum scribi vitas exposulant. Quod a me profecto saepe petitum est. Ego autem in his quae obtutibus subjacent fallor; et de iis, quae nemo unquam viderit quid veri profiteor? —§ 2: Caput Baptistae dominici cum Constantinopolitani habere se dicant, Angeriacenses Monachi idem se habere testantur. Quid ergo magis ridiculum super tanto homine praedicetur, quam si biceps esse ab utrisque dicatur? —Quid de capite Joannis ago, qui de innumeris Sanctorum corporibus itidem in dies audio? —Cap. 4. § 1: Sed haec omnia a perversitate radicis emergunt, quae non est alia, quam quod eisdem adimitur, quod communi sorte debuerat omnis committeri humana natura. Si enim certo certius de terra hominis origo consistit, et persoluto mortis debito in eundem ex primae damnationis legibus recidit, praesertim cui dictum est, *terra es et in terram ibis*: Deus, mea sententia, nec praesenti nec secuturo cuiquam dixit: *Aurum vel argentum es, in aurum vel argentum ibis*. Ut quid precor homo a sua natura, immo a Dei imperio eruitur, ut, quod conditionaliter nulli competit, aureis vel argenteis conchulis inseratur? —Certe si Sanctorum corpora sua juxta naturae debitum loca, id est sepulchra, servassent, hujusmodi quos recensui errores vacassent. Per hoc enim quod e tumulis eruantur, membratim huc illucque feruntur; et cum pietatis obtentus occasio circumlationis extiterit, ad hoc subeunte nequitia detorqueri coepta est intentionis rectitudo, ut paene quae simpliciter fieri consueverant corrumperet universa cupido. —Quid de iis iudicii proferetur, quibus avaritia sola in causa est, et Sanctorum corpora faciunt irrequieta dispergi, immo, ut sic dicam, pro sola oblationum illatione quotidiano ostentui haberi? Solent namque pixidibus eburneis aut argenteis nuda Sanctorum ossa contegere, et ad tempus et horam pretio sese ingerente retegere.—Dicat quisque quod sentit, securus plane ego inferam, non Deo, non Sanctis ipsis unquam fuisse placitum, ut eorum cujuspiam debuerit rescari sepulchrum, aut dirimi per frusta corpusculum.

³ Compare among others Petri Venerabilis (see above, § 67. not. 21)

de miraculis sui temporis libb. ii. (in Bibl. PP. Lugd. xxii. 1087), and Caesarii Mon. Heisterbacensis (about 1227) de miraculis et visionibus suae aetatis libb. xii. (ed. Colon. 1591 and 1599. 8.). As to how they were managed, see Abaelardi sermo xxxi. de s. Joanne Baptista (Opp. p. 967): Quid ad haec illi dicturi sunt, quos hoc tempore in tantum vidimus praesumere, ut de solitudine ad turbas procedentes, sicut de ficto religionis nomine tumebant, ita et de simulatione miraculorum gratia videri mirabiles appetebant? Omitto contactus et benedictiones aquarum, quas languidis in poculum dirigebant, ut sic curarentur, contractationes vel consignationes membrorum, ut dolores infirmantium expellerent, eulogias in panibus fractas et ad infirmos destinatas. Ad majora veniam, et summa illa miracula de resuscitandis quoque mortuis inaniter tentata. Quod quidem nuper praesumpsisse Norbertum et Coapostolum ejus Farsitum mirati fuimus, et risimus. Qui diu pariter in oratione coram populo prostrati, et de sua praesumptione frustrati, cum a proposito confusi deciderent, objurgare populum impudenter coeperunt, quod devotioni suae et constanti fidei infidelitas eorum obsisteret. O calliditas incautorum! o excusatio frivola inexcusabilem!—Non ignoramus astutias talium, qui cum febricitantes a lenibus morbis curare praesumunt, pluribus aliqua vel in cibo vel in potu tribuunt ut curent, vel benedictiones vel orationes faciunt. Hec utique cogitent, ut, si quoquomodo curatio sequatur, sanctitati eorum imputetur: sin vero minime, infidelitati eorum vel desperationi adscribatur. The Chron. Montis Sereni ad ann. 1214 (in Mencken scriptt. rer. Germ. ii. 243) records: A certain vicar of the Market-Church at Halle, Petrus nomine, egit arte, quam ipse noverat, ut ad imaginem quandam Crucifixi, quae in ipsa erat ecclesia, sanitates conferre aegris adventantibus putaretur. The matter created a great sensation in the neighbourhood, and brought in much money, in which the Archbishop of Magdeburg, and the Monastery zum Neuen Werke took a share. It advanced to such a degree ut Poppo Praepositus assidua praedicatione virtutes, quae ibi fierent, populis intimaret, et contradicentes vel irridentes post excommunicationis quoque sententiam prohiberet. When however that vicar left Halle, omnis ille virtutum effectus cum eo penitus emigravit. Constat enim nihil ibi talium postmodum accidisse. Concerning the hooded virgin who appeared in the time of Philip Augustus to a carpenter named Durand, see Capetigue hist. de Philippe Auguste i. 234. So long as it was needful to impress the doctrine of transubstantiation upon the people, the visible appearance of flesh in the Lord's supper was especially common, see § 77. note 4: When it was desired to carry out the consequences of this doctrine with a view to refusing the cup, miraculous appearances of blood succeeded, (§ 77. note 12 towards the end). The manner in which Buoncampagno the grammarian at Bologna derided the eagerness of his age for miracles, is told in the Chron. Fr. Salimbeni de Adam ad ann. 1229 (in Sarti de claris archigymn. Bonon. Professoribus i., i., 509): Et iste Mag. Boncompagnus videns, quod Frater Johannes (a Dominican) intronitabat se de miraculis faciendis, voluit et ipse se intronitaret. He drew the men of Bologna to some distance from the city, by advertising, quod videntibus illis volare volebat, he kept them waiting there a long

of its saint-worship,⁴ and on the numerous lying legends the age has plainly imprinted itself, with all its love for the marvellous, and all its rudeness of manners: and the *Legenda Sanctorum* of Jacobus de Voragine the Dominican monk and Archbishop of Genoa († 1298) which surpass all others in both respects, were styled the *Legenda aurea*.⁵

time, and then dismissed them with the words, *Ite cum benedictione divina, et sufficiat vobis vidisse faciem Boncampagni*.

⁴ Characteristic in connection with this is the narrative, told by Stephanus de Borbone in Echard scriptt. Praedic. i. 193, of the hound celebrated in prose and verse, which in the diocese of Lyons at the beginning of the 13th cent. had killed a serpent in defence of a child in its cradle, and was killed by the father on his return, who erroneously thought he had slain his child; the hound was honoured as a martyr by the common people under the name of s. Guinefortis: *canem tanquam martyrem honoraverunt, et pro suis infirmitatibus et necessitatibus rogaverunt*: Mothers in particular offered prayers to him in behalf of weakly children. Stephen himself, with the other Dominicans, put an end to these doings.

⁵ *Legenda aurea seu Historia Lombardica seu Legendae Sanctorum per anni circuitum venientium* in 177 parts printed often before the Reformation, again Argent. 1518. rec. Dr J. G. Th. Graesse, Dresdae et Lips. 1846. One characteristic of the work is the peculiarity of the etymologies, laid down as the groundwork of the historical portion, e.g. No. II: *Andreas interpretatur decorus vel respondens vel virilis ab andros, quod est vir. Vel dicitur Andreas quasi antropos i. e. homo, ab ana, quod est sursum, et tropos quod est conversio, quasi sursum ad caelestia conversus et ad suum creatorem erectus. Fuit ergo decorus in vita, respondens in sapienti doctrina virilis in poena, et antropos in gloria. no. lxiii. vita Jacobi minoris: Vespasianus quoddam genus vermium naribus insitum ab infantia gerebat, unde a vespis Vespasianus dicebatur. A Nuncius Pilati told him that faith in Jesus would heal him. Et Vespasianus: Credo, quod qui mortuos suscitavit, me etiam de hac infirmitate liberare potest. Et haec dicendo vespae de ejus naribus ceciderunt, et tunc continuo sanitatem recepit. Then to avenge the death of Jesus, Vespasianus Romam adiit et destruendi Judaeam et Jerusalem a Tiberio Caesare licentiam impetravit etc. Traces of rudeness in manners no. xlvii.: St Longinus, who pierced Christ with the spear, was forthwith converted by the miracles which attended Christ's death: unde renunciatus militiae et ab Apostolis instructus in Caesarea Cappadociae xxviii. annos monasticam vitam duxit, verbo et exemplo plurimos ad Christum convertit. Cum autem a Praeside tentus fuisset et sacrificare nolle, jussit Praeses omnes dentes ei excuti, et linguam abscidi: Longinus tamen ex hoc loquelam non perdidit, sed accepta securi omnia idola comminuit et fregit dicens: si Dii sunt, videbimus. Daemones autem de idolis exeuntes in Praesidem et in omnes ejus socios intraverunt, et insipientes et latrantes se Longini pedibus prostraverunt.—Cum ergo Praeses insaniret et oculos*

Following the example of France and Spain, England also now began to trace back its conversion to the immediate disciples of the Apostles, and the Abbey of Glastonbury claimed Joseph of Arimathæa as its founder.⁶

The result of the excessive veneration of saints, by which men were deified, and God brought down to the level of man, was the extravagant exaltation of the Virgin Mary, not only among the common people,⁷ and especially the monks,⁸ but also amongst

amisisset, dixit ei Longinus: scito, quomodo sanari non poteris, nisi quando me occideris. Quam cito enim a te mortuus fuero, pro te orabo, et sanitatem tibi corporalem et animæ impetrabo. Et statim eum decollari jussit. Post hoc abiit ad corpus ejus et prostratus cum lacrymis poenitentiam egit, et continuo visum et sanitatem recepit, et in bonis operibus vitam finivit.

⁶ Guilelmus Malmesburiensis († 1143) de antiquitatibus Glasconiae (in Th. Gale rerum Anglicarum scriptt. iii., 291). Dr G. Thiele comm. de Ecclesiae Britannicae primordiis Partt. 2. (Halae 1839) i., 20. ii. 12. San Marte's Wolfram v. Eschenbach ii., 412.

⁷ The Golden Smithy by Conrad of Wurtzburg († 1287) (publisht by W. Grimm, Berlin 1840), is a hymn to the Virgin Mary. A catalogue of others may be seen in Grimm's Einleitung s. xxv. comp. Reinmar v. Zweter (Manessens Sammlung ii. 139):

Si hat den starken Got uns überwunden,
Das sin Gewalt ist so von ir gebunden,
Das er niht wan genade biutet,
Fride und stete Süne er git.

Meister Rumsant (in Maness ii. 224):

Vür welhen Sünder Maria wil dingen;
Si sprichet: Kint dis sint die Briuste, die du sugest,
Gedenke, lieber Sun, gewer mich ob du mugest,
La mich den Sünder dir ze hulden bringen,
Sich, Herzentrut, dis ist der Schos,
Da ich dich uf want mit kranken (schlechten) Tuochen &c.
So nimt der Sun sin edel Muoter bi der Hant,
Er sprichet: Vater min, es ist also gewant,
Ich und min Muoter suochen din Erbarmen.
Gedenke Vater wie ich von dem Himel kam,
Und von miner Muoter Menschheit an mich nam,
Du sehe (sahest) mich gekriuzet mit den Armen,
Den Tot ich vür die Sünder leit,
Nu schowe Herre Vater mine Wunden,
Ich leit an Henden und an Füzen Ungemach,
Und in der Siten, da mich tot ein blinde (Longinus supposed to
have been blind) stach,

Darumbe hat manig Sünder Genade funden.

Compare Peschek: der religiöse Glaubeder gebildeten Laien in Deutsch-

the most distinguishst scholars of this age.⁹ As Sundays and land, namentlich im 13. Jahrh., in Stäublin's und Tzschirner's Archiv für Kirchengesch. IV. iii. 488. 512. Vita b. Petri Acotanti publisht by G. Zappert, Wien 1839, s. 13. 19. Some allegories and images of this time with reference to the Virgin Mary have been collected by Grimm in his introduction to Conrad's of Wurtzburg Golden Smithy s. xxxi. On the mixture of knightly courtesy in the honour rendered to Mary, compare Lütkenmüller in Wieland's Neuem deutschen Merkur Dec. 1796. s. 329 ff. March 1797. s. 205. ff. Gott der Vater minnete Maria cf. Pescheck s. 490 ff. e.g. B. Reinmar v. Zweter (in Maness ii. 123):

Dur Mine wart der Alte jung,
Der je was alt an Ende,
Von Himmel tet er einen Sprung
Herabe in dis Ellende &c.

Friedrich v. Suonenburg. (S. 210 and other places) :

Sich Gotes Tochter, wiltu mich
Nicht mieten (lohnem), Kiuniginne,
So sage ich, was ein hoher Man
Mit dir begangen hat.
Er nam sich dir ze diennen an.
In minneklicher Minne,
Er warb es tougen (heinnlich) wider dich,
Do tet du swes er bat :
Dir gieng sin Bet und siniu Wort
Durh Oren und durh Ougen,
Aldar kam siner Fröiden Hort
Ze dir geslichen tougen.
Er was dir inneklichen bi
Mit Warheit sunder Spot,
Doch weis ich diner hulde dri (Trinität)
Der du verholne pflege, und was des Gabriel din Bot.

But even the worship of Mary took the form of knightly homage to woman, see Lütkenmüller *passim*. Compare the Lovesong to Mary by the Troubadour le Moine de Fossan in Millot *hist. des. troub.* ii. 224.

⁸ The Carthusians chose her and John the Baptist for their patrons (vita s. Brunonis in the Actis SS. ad 3. Oct.) But the Cistercian order was inter religiones caeteras gloriosae Virgini singularitate devotionis adscriptus ex institutione primaria (see Privilegium Gregorii IX. in Manrique *annal. Ord. Cistere.* i. 10. 37), and all its churches were dedicated to the Virgin (Capit. generale ann. 1134 c. 21). The Carmelites were fratres eremitae s. Mariae (§. 67. not. 6. §. 69. not. 12). The Servites were Servi b. Mariae virginis (§. 68. not. 18.)

⁹ Even Bernard says (Sermo in Nativ. b. Mariae, de aquaeductu §. 7, in Opp. ed. Mabillon ii. 160): Totis ergo medullis cordium, totis praecordiorum affectibus, et votis omnibus Mariam hanc veneremur, quia sic est voluntas ejus, qui totum nos habere voluit per Mariam.—Ad Patrem verebaris accedere, solo auditu territus, ad folia fugiebas (In allusion to Gen. iii. 7. 10): Jesum tibi dedit mediatorem.—Sed

festivals were dedicated to the Lord, so Saturdays and vigils

forsitan et in ipso majestatem vereare divinam, quod licet factus sit homo, manserit tamen Deus. Advocatum habere vis et ad ipsum? Ad Mariam recurre. Pura siquidem humanitas in Maria, non modo pura ab omni contaminatione, sed et pura singularitate naturae. Nec dubius dixerim, exaudietur et ipsa pro reverentia sua. Exaudiet utique matrem filius, et exaudiet filium pater. Filioli, haec peccatorum scala, haec mea maxima fiducia est, haec tota ratio spei meae. Quid enim? Potestne filius aut repellere, aut sustinere repulsam: non audire, aut non audiri filius potest? Neutrum plane. *Invenisti*, ait Angelus, *gratiam apud Deum* (Luc. i. 30). Feliciter. Semper haec inveniet gratiam, et sola est gratia, qua egemus etc.—Bonaventura was most inexhaustible in the praise of Mary, in the work, *Speculum b. Mar. Virginis*, *Corona B. Mar. Virginis*, *Carmina super canticum Salve Regina*, *Laus b. Virginis Mariae* (found together in *Opp. VI. ii.*) The *Psalterium minus* and *Psalterium majus b. Mariae Virginis* were ascribed to him, probably without sufficient reason, as a similar work, the *Biblia Mariana* was to Albertus M. They belong, however, to this period. The *Psalterium majus* is a Parody of David's Psalter, *e.g.* Psalm 1: *Beatus vir qui diligit nomen tuum, Maria Virgo: gratia tua animam ejus confortabit. Tanquam aquarum fontibus irrigatum uber, in eo fructum justitiae propagabis. Benedicta tu inter mulieres, per credulitatem cordis sancti tui. Universas enim foeminas vinctis pulchritudine carnis: superas Angelos et Archangelos excellentia sanctitatis. Misericordia tua et gratia ubique praedicatur: Deus operibus manuum tuarum benedixit. Gloria Patri etc.* Psalm. 93: *Deus ultionum Dominus, sed tu Mater misericordiae ad miserandum inflectis etc.* Psalm. 109: *Dixit Dominus Dominae nostrae: sede mater mea a dextris meis. Bonitas et sanctitas placuerunt tibi: ideo regnabis mecum in aeternum etc.* In order to give these extravagancies a dogmatical foundation, *Hyperdulia* was demanded for the Virgin Mary, in distinction from the *Dulia* due to the rest of the saints. Lombard lib. iii. dist. 9. was the first to think of a higher step of *Dulia*, but it was with reference to the manhood of Christ: (quidam) *duliae* duas species vel modos esse dicunt. Est enim *cujusdam modi dulia*, quae creaturae cuilibet exhiberi potest et est quaedam *soli humanitati Christi* exhibenda, non alii creaturae, quia Christi humanitas super omnem creaturam est veneranda et diligenda. However the other opinion prevailed, Christi humanitatem una adoratione cum verbo esse adorandam, thus adoratione *latria*. So when that higher step of *Dulia* was discontinued for the manhood of Christ, it was claimed soon after under the name of *Hyperdulia* for the Virgin Mary; who in the above quoted passage of Lombard is even expressly excluded from it. Alex. Halesius P. iii. qu. 30. membr. 3. art. 1. Bonaventura in *Sent.* lib. iii. dist. 9. art. 1. qu. 3. Comp. Thomas Summae P. iii. qu. 25. art. 5. Cum igitur b. Virgo sit pura creatura rationalis, non debetur ei adoratio *latria*, sed solum veneratio *duliae*; eminentius tamen, quam ceteris creaturis, in quantum ipsa est mater Dei. Et ideo dicitur, quod debetur ei non qualiscunque *dulia* sed *hyperdulia*. Idem Secunda

were consecrated to the Queen of heaven.¹⁰ Thus the mechanical form of prayer, which was brought to perfection by the invention of the rosary,¹¹ was divided between God and Mary.¹²

Secundae qu. 103. art. 4: Hyperdulia videtur esse medium inter latrām et duliām.

¹⁰ Compare Part 1. § 33. note 18. The officium s. Mariae mentioned there, was now common in the monasteries, see Gerbohus (Propst in Reichersperg † 1169) comm. in Psalm. xxxix. 4 (in Pezii thesaur. v. 794): In Coenobiis canticum novum celebratur, cum a tempore Papae septimi Gregorii cursus b. Mariae frequentatur. Stephanus de Borbone (a Dominican in Lyons about 1225) de septem donis Spiritus S. in Echard scriptt. Praedicat. i. p. 189: multi ex devotione, quam habent ad eam (Mariam) omnium festivitatum—jejunant vigiliās, etiam multi in pane et aqua, hac etiam intentione multi, ut ipsa eis obtineat, ne moriantur inconfessi. Et licet mala sit in hoc superstitio et abusus, et reprobanda, quam quidam habent circa ejus misericordiam, confidentia, hac faciendo mala securius, quasi faciendo haec jejunia non possint hinc migrare impenitentes et inconfessi: devotio tamen pia circa haec jejunia est approbanda the antient rule, which the corruption of the Church in great part excuses. Then Stephen relates how Saturday especially was kept as a fast day in honour of the Virgin, by many with bread and water, by others with abstinence from flesh, by others in the same way as Lent, by all in the faith, quod b. Virgo, si hoc usque ad septennium compleverint, per hoc trahat eos ad bonum finem. The Conc. Tolosanum ann. 1229 c. 25 (Mansi xxiii. 200) even prescribed to the Laity: Sabbato circa vespera ob reverentiam b. Mariae Virginis Ecclesias suas cum devotione visitent.

¹¹ Compare above § 69, note 10.

¹² Petrus Damiani opusc. 33. c. 3 first relates as something singular, that an ecclesiastic had daily saluted the Virgin with Luc. i. 28: Ave Maria, gratia plena, Dominus tecum: benedicta tu in mulieribus. This custom soon became more frequent, and was miraculously rewarded by the Virgin, see Hermanni (about 1130) narratio restorationis Abbatiae s. Martini Tornacensis in d' Achery spicilegium ii. 905. The first decree on this point is by Odo, after 1196 Bishop of Paris, see Praecepta communia no. 10 (Mansi xxii. 681): Exhortentur populum semper presbyteri ad dicendam [leg. discendam] orationem dominicam, et Credo in Deum, et salutationem b. Virginis. In the thirteenth century the Ave Maria became a regular prayer. According to Stephanus de Borbone in Echard scriptt. Praedic. i. 189, devout persons made use of this prayer every day, some 1000 times, some 100, some 50; according to Thomas Cantipratensis bonum univ. do apibus lib. ii. c. 29. art. 6 et 8, many made use of tres Salutationum quinquagenas. At the end of the original formula, soon after was repeated, et benedictus fructus ventris tui, Urban IV. added yet to this Jesus Christus, Amen. The longer additional clause: Sancta Maria, Dei genetrix, ora pro nobis peccatoribus nunc et in hora mortis, Amen, was framed little by little after the beginning of the sixteenth century,

When however certain Canons of Lyons about the year 1140 projected the doctrine of the Immaculate Conception of Mary,¹³ and a festival in commemoration of it; they met with a stout resistance not only from St Bernard,¹⁴ but other theologians also

and was first honoured with universal acception in the Church, by the Breviarium Pii V. See Mabillon *acta ss. Ord. Ben. saec. v. praef. p. lxxvii. ss.*

¹³ The Virgin Mary had been considered as sinless long before this time, even by Paschasius Radb. de partu Virg. (in d' Achery *spicilleg. i. 46*) as sanctificata in utero matris, but not as conceived without sin. cf. Anselmus cur Deus homo? lib. ii. c. 17: Licet ipsa hominis ejusdem [*Jesu*] conceptio sit munda, et absque carnalis delectationis peccato; Virgo tamen, unde assumptus est, *est in iniquitatibus concepta*, et in peccatis concepit eam mater ejus, et *cum originali peccato nata est*, quia et ipsa in Adamo peccavit, in quo omnes peccarunt.

¹⁴ Bernardi epist. 174 ad Canonicos Lugdunenses:—Miramur satis, quid visum fuerit hoc tempore quibusdam vestrum voluisse mutare colorem optimum, novam inducendo celebritatem, quam ritus Ecclesiae nescit, non probat ratio, non commendat antiqua traditio. Numquid Patribus doctiores aut devotiores sumus? Periculose praesumimus quicquid ipsorum in talibus prudentia praeterivit. Nec vero id tale est, quod nisi praetereundum fuerit, Patrum quiverit omnino diligentiam praeteriisse.—Ortum Virginis didici in Ecclesia et ab Ecclesia indubitanter habere festivum atque sanctum, firmissime cum Ecclesia sentiens, in utero eam acceperisse, ut sancta prodiret. Et de Jeremia siquidem lego, quod priusquam de ventre exiret, sanctificatus sit (Jer. i. 5); et de Joanne Baptista non secus sentio, qui ex utero Dominum in utero sensit (Luc. i. 41.) Videris etiam tu, an et de s. David idipsum liceat opinari (on account of Ps. lxx. 6, xxi. 11. 12.)—Caeterum quatenus adversus originale peccatum haec ipsa sanctificatio valuerit.—non temere dixerim. Sanctificatos tamen non dubitaverim dicere, quos Deus sanctificavit, et cum eadem sanctificatione prodiisse ex utero, quam acceperunt in utero, nec reatum, quem in conceptione traxerunt, valuisse ullatenus horum natali jam donatam praepedire seu praeripere benedictionem.—Fuit proculdubio et Mater Domini ante sancta quam nata. Nec fallitur omnino s. Ecclesia, sanctum reputans ipsum Nativitatis ejus diem, et omni anno cum exultatione universae terrae votiva celebritate suscipiens. Ego puto, quod et copiosior sanctificationis benedictio in eam descenderit, quae ipsas non solum sanctificaret ortum, sed et vitam ab omni d. incepto peccato custodiret immunem: quod nemini alteri in natis quidem mulierum creditur esse donatum.—Quid adhuc addendum his putamus honoribus? Ut honoretur, inquit, et conceptus, qui honorandum praeivit partum: quoniam, si ille non praecessisset, nec iste esset, qui honoratur. Quid si alius propter eandem causam etiam utrique parenti ejus festos honores asserat defendendos? Sed de avis et proavis idipsum posset pro simili causa quilibet flagitare: et sic tenderetur in infinitum, et festorum non esset numerus. Patriae est, non exilii, frequentia haec gaudiorum, et numerositas festi-

of the twelfth century¹⁵ declared themselves against this innovation. In the thirteenth century the feast of the conception gradually extended itself more and more;¹⁶ nevertheless the

vitatum cives decet, non exules. Sed profertur scriptum, supernae, ut ajunt, revelationis. Quasi et quivis non queat scriptum aequè producere, in quo Virgo videatur idipsum mandare et de parentibus suis.—Ipse mihi facile persuadeo scriptis talibus non moveri, quibus nec ratio suppeditare, nec certa invenitur favere auctoritas.—Etsi quibus vel paucis filiorum hominum datum est cum sanctitate nasci, non tamen et concipi; ut uni sane servaretur sancti praerogativa conceptus, qui omnes sanctificaret, solusque absque peccato veniens purgationem faceret peccatorum etc. In England Anselm, Archbishop of Canterbury, was the first to bring in the festum conceptionis Domini s. annunciationis Mariae, and even then this festival appeared ridiculous to many from the first, and was opposed because of its novelty, see Osberti de Clara ep. 8 ad Anselmum (epistolae Herberti de Losinga, Osberti de Clara et Elmeri, ed. a. R. Anstruther, Bruxell. et Lond. 1846. p. 124.)

¹⁵ Bernard's contemporary Potho Presb. Pruniensis de statu domus Dei lib. iii. in fine (Bibl. Patr. Lugd. xxi. 502): *Quae igitur ratio haec festa celebranda nobis induxit, festum videlicet s. Trinitatis, festum transfigurationis Domini? Additur his a quibusdam, quod magis absurdum videtur, festum quoque conceptionis s. Mariae.* The rest that he says on this head is taken word for word from Bernard's letters. About 1175 Nicolaus Mon. s. Albani in England, was a zealous advocate for the immaculate conception. But Peter Cellensis, at that time Abbot of St Remigius at Rheims, censured him and defended St Bernard, see Petri Cell. epistt. lib. vi. epist. 23 (Bibl. PP. Lugd. xxiii. 878) lib. ix. ep. 9 and 10 (ib. 902).—Joannes Belet (see at the head of § 77) *divin. offic. explicatio* c. 146: *Festum conceptionis [Mariae] aliqui interdum celebrarunt, et adhuc fortassis celebrant: sed authenticum atque approbatum non est, immo vero prohibendum potius esse videtur. In peccato namque concepta fuit.*

¹⁶ Cf. Conc. Oxoniense ann. 1222 cap. 8: *Statuimus quod festa subscripta sub omni veneratione serventur, videlicet—omnia festa b. Mariae, praeter festum conceptionis, cujus celebrationi non imponitur necessitas.* On the other hand it is found without remark in the Tables of Festivals: *Statuta synodalia Eccl. Cenomanensis ann. 1247 in fine (Mansi xxiii. 764), Conc. Coprinacense betwixt 1250 and 1260 cap. 21 (Mansi xxiii. 870), and Exoniense ann. 1287 c. 23 (Mansi xxiv. 813.)* It was decreed in the general chapter of Franciscans at Pisa, in the year 1263 (Wadding ad h. a. no. 16), *ut novae hae festivitates admitterentur in Ordine, videlicet conceptionis b. virginis Mariae, Visitationis ejusdem, b. Annae illius genitricis, et Marthae virginis.* (Careful but uncritical are all the contributions on this head, collected by the Franciscan M. Ant. Gravois de ortu et progressu cultus ac festi immaculati conceptus b. virg. Mariae. Lucae 1762. 4. Compare particularly at the end the Documentorum regestum. In the earlier passages quoted there the conceptio b. Mariae is the conceptio activa s.

doctrine of the immaculate conception was not adopted by any eminent theologian of this century.¹⁷ The authority of the celebrated Thomas Aquinas¹⁸ seemed to have overthrown it for

annunciatio.) In the 13th century, however, throughout, only the celebration of the conception, not of the immaculate conception, is mentioned : cf. *Thomae Summa* P. iii. qu. 27. art. 2. below note 18. *Durandi rationale divin. offic.* lib. vii. c. 7 : *Quidam etiam faciunt quintum festum s. de conceptione b. Mariae, dicentes, quod, sicut celebratur de morte Sanctorum non propter mortem, sed quia tunc recepti sunt in nuptiis aeternis, similiter potest celebrari festum de conceptione, non quia sit concepta, quia in peccato est concepta, sed quia mater Domini est concepta : asserentes, hoc fuisse revelatum cuidam Abbati in naufragio constituto. Quod tamen non est authenticum, unde non est approbandum, cum concepta fuerit in peccato, seu per concubitum maris et foeminae.*

¹⁷ Not even by the Franciscans : *Antonius Paduanus Sermo in feriam quintam in passione* (*Francisci Assis. et Antonii opp. ed. J. de la Haye. Lugd. 1653. fol. p. 122*) reckons the Holy Virgin (as Bernard does above, note 14) for one of those, qui fuerunt sanctificati in utero. *Alexander Hales. P. iii. qu. 10. membr. 2. art. 1 : necesse fuit, quod b. Virgo in generatione sua contraheret peccatum a parentibus ; but art. 4 : Virgo ante nativitatem suam et post infusionem animae in suo corpore fuit sanctificata in utero matris suae. Bonaventura in lib. iii. dist. iii. Pars i. enquires art. 1. first de sanctificatione Virginis quantum ad congruentiam temporis, and decides, qu. 1., Quod caro b. Virginis ante animationem non fuit sanctificata. Qu. 2. : Quidam dicere volunt, in anima gloriosae Virginis gratiam sanctificationis praevenisse maculam peccati originalis.—Teneamus secundum quod communis opinio tenet, Virginis sanctificationem fuisse post originalis peccati contractionem. Qu. 3 : pro indubitantibus habet hoc Ecclesia, videlicet quod b. Virgo fuerit in utero sanctificata.—Si autem quaeratur, qua die vel hora sanctificata fuerit, hoc ignoratur : tamen probabiliter creditur, quod cito post infusionem animae fuerit facta infusio gratiae. Then art. ii. de virtutis efficacia ; first qu. 1., B. virgo Maria per sanctificationis gratiam copiosam immunis fuit ab omni culpa actuali, tam mortali quam veniali. Qu. 2 : In prima sanctificatione fuit fomes concupiscentiae in Virgine consopitus, in secunda (*Luc. i. 35*) extinctus et eradicatus. Qu. 3. A massa peccati liberata fuit virgo Maria in prima sanctificatione, liberata etiam fuit in secunda, sed in prima fuit conformis aliis sanctificatis (viz. Jeremiah, John the Baptist) in secunda vero facta est conformis filio, quem genuit. Thus Albertus Magnus in *Sent. lib. iii. dist. 3.**

¹⁸ *Thomas Summa theol. P. iii. qu. 27. art. 1 : De sanctificatione b. Mariae, quod scilicet fuerit sanctificata in utero, nihil in Scriptura canonica traditur, quae etiam nec de ejus nativitate mentionem facit. Sicut tamen (Pseudo-) Augustinus in sermone de assumptione ipsius Virginis rationabiliter argumentatur, quod cum corpore sit assumpta in caelum, quod tamen Scriptura non tradit, ita etiam rationabiliter*

ever, when Duns Scotus, on this point also opposing the Dominican, first of all the Schoolmen, and so but timidly,¹⁹ took

argumentari possumus, quod fuerit sanctificata in utero. Art. 2: Sanctificatio b. Virginis non potest intelligi ante ejus animationem, duplici ratione. Primo quidem, quia sanctificatio, de qua loquimur, non est nisi emundatio a peccato originali.—Culpa autem non potest emundari, nisi per gratiam, cujus subjectum est sola creatura rationalis. Et ideo ante infusionem animae rationalis b. Virgo sanctificata non fuit. Secundo quia cum sola creatura rationalis sit susceptiva culpae, ante infusionem animae rationalis proles concepta non est culpae obnoxia. Et sic quocumque modo ante animationem b. Virgo sanctificata fuisset, numquam incurrisset maculam originalis culpae, et ita non indigisset redemptione et salute, quae est per Christum.—Hoc autem inconueniens est, quod Christus non sit salvator omnium hominum.—Si numquam anima b. Virginis fuisset contagio originalis peccati inquinata, hoc derogaret dignitati Christi, secundum quam est universalis omnium salvator.—Licet Romana Ecclesia conceptionem b. Virginis non celebret, tolerat tamen consuetudinem aliquarum Ecclesiarum illud festum celebrantium. Unde talis celebritas non est totaliter reprobanda. Nec tamen per hoc, quod festum conceptionis celebratur, datur intelligi, quod in sua conceptione fuerit sancta: sed quia, quo tempore sanctificata fuerit, ignoratur, celebratur festum sanctificationis ejus potius quam conceptionis in die conceptionis ipsius. Art. 3. Videtur dicendum, quod per sanctificationem in utero non fuerit sublati b. Virgini fomes secundum essentiam, sed remanserit ligatus.—Postmodum vero in ipsa conceptione carnis Christi, in qua primo debuit refulgere peccati immunitas; credendum est, quod ex prole redundaverit in matrem, totaliter fomite subtracto. Art. 4: Simpliciter fatendum est, quod beata Virgo nullum actuale peccatum commisit, nec mortale, nec veniale, ut sic in ea impleatur, quod dicitur Cant. iv. 7: *Tota pulchra es amica mea, et macula non est in te.*

¹⁹ Duns Scotus in Sent. lib. iii. dist. 3. qu. 1. § 9: Deus potuit facere, quod ipsa nunquam fuisset in peccato originali; potuit etiam fecisse, ut tantum in uno instanti esset in peccato; potuit etiam facere, ut per tempus aliquod esset in peccato, et in ultimo illius temporis purgaretur.—Quod autem horum trium, quae ostensa sunt esse possibilia, factum sit, Deus novit: si auctoritati Ecclesiae, vel auctoritati Scripturae non repugnet, videtur probabile, quod excellentius, attribuere Mariae. More decisive but still short is l. c. dist. 18 qu. 1. § 13: b. Virgo mater Dei nunquam fuit inimica actualiter ratione peccati actualis, nec ratione originalis (fuisset tamen, nisi fuisset praeservata.) In after times it was commonly reported among the Franciscans (Wadding ann. Minorum. ann. 1304 no. 34, Bulaei hist. Univ. Paris. iv. 71), that Duns Scotus afterwards defended the doctrine of the immaculate conception against 200 Dominicans in a public disputation at Paris, and thereby induced the University to decree, ne ad ullos gradus scholasticos admitteretur ullus, qui prius non juraret, se defensurum b. Virginem a noxa originaria, to which it added votum de celebranda quotannis

the immaculate conception under his protection. Thus this doctrine, not indeed immediately, but in the course of the fourteenth century, together with the whole system of Scotistic Divinity, was adopted as the doctrine of the Franciscans.

§ 79.

FESTIVALS.

The two most important festivals which were introduced in this period, have been already treated of. The feast of the conception of the Virgin in § 78 and Corpus Christi in § 77. It is however characteristic of this age, that from the 12th century, the clergy began to connect the old heathenish license of the month of December¹ with the festivals of the Church, and under

festivitate immaculatae conceptionis. But the earliest vouchers for this are the Franciscans Bernardinus de Bustis (about 1480) and Pelbartus Temestarius (about 1500); and the first of these in his *Mariale* places that decree in the year 1333: In the acts of the University there is no trace of it to be found. The Gallic nation in the University of Paris first decreed in the year 1380, *quod a modo celebraretur festum conceptionis gloriosae V. M. eodem modo, quo et alia festa solent celebrari* (Bulaeus l. c. p. 964): and it was not till 1387 that the University declared the immaculate conception to be a *sententia probabilis* (see below, Part iii. § 117. note 7), cf. d'Argentré *collectio judiciorum de novis erroribus* T. i. p. 335.—It appears especially strange to the later Franciscans that their Doctor subtilis is so short on this head; accordingly they consider that his principal works on this subject must have been lost. E. g. Hugo Cavellus in *vita Scoti* cap. ult. prefixt to his *Quaestiones*.

¹ Cf. *Saturnalia*, *Sigillaria*, *Kalendae Januarii*, on the heathen celebrations of the latter day, see *Isidorus Hisp.* vol. i. Part 2, § 125, note 12, *Bonifacius* vol. ii. Part 1. § 4. note 13, *Faustini Episc. sermo de Kal. Jan. in the Act. SS. Jan. i. 3.* Atto jun. *Episc. Vercellensis* (about 950) *serm. in festo octavae Domini* (in *Maji scriptt. vett. nova collectio* VI. ii. 13): *quidam falsi Christiani tanti diei solemnitatem sacrilega commixtione perturbant, ita ut divina officia in Ecclesiis videantur celebrare, et variis maleficiis domi non desinant inservire.* From this germ the *festum stultorum* was developed. However the 16th Lat. Canon of the Conc. Constantinop. oecum. viii. ann. 869 must by no means be connected with the *festum stultorum*, as du Fresne s. v. *Kalendae* thinks it should be. For the ridiculous mockery of ecclesiastical ceremonies there mentioned with detestation, was only

cover of it to throw wanton ridicule on holy things.² True many

the result of the folly of the Emperor Michael III. (857—867), which Constantinus Porphyrogen. in Basilio no. 21, Continuator Theophanis lib. iv. no. 38, Symeon Logotheta in Michaela no. 18, record. This was a single act, and an act of hostility against the Church. An analogous custom in early times may be discovered in that which Georgius Cedrenus in histor. compend. ed. Paris. p. 639 relates of Theophylact Patriarch of Constantinople in the 10th century: ἔργον ἐκείνου καὶ τὸ νῦν κρατοῦν ἔθος, ἐν ταῖς λαμπραῖς καὶ δημοτελέσιν ἑορταῖς ἰβρίζεσθαι τὸν θεὸν καὶ τὰς τῶν ἁγίων μνήμας διὰ λογισμάτων ἀπρεπῶν καὶ γελοίων καὶ παραφόρων κραυγῶν, τελουμένων τῶν θείων ὕμνων. And afterwards: τὰς Σατανικὰς ὀρχήσεις καὶ τὰς ἀσήμεους κραυγὰς καὶ τὰ ἐκ τριόδων καὶ χαματοπειῶν ἡρανισμένα ἄσματα τελείσθαι ἐδίδαξεν.

² The first to mention this is Jo. Beleth in Explicat. divin. offic. cap. 70, de iis festivitatibus, quae Christi Nativitatem proxime sequuntur: Debet ergo vesperae Natalis primo integre celebrari, ac postea conveniunt diaconi quasi in tripudio, cantantque *Mumificat* cum Antiphona de s. Stephano,—et universum officium crastinum celebrant Diaconi, quod Stephanus fuerit Diaconus.—Sic eodem modo omne officium perficient sacerdotes ipso die b. Joannis, quia hic sacerdos fuerit, et pueri in ipso festo Innocentum, quia Innocentes pro Christo occisi sunt. Cap. 72: Festum Hypodiaconorum, quod vocamus stultorum, a quibusdam perficitur in circumcissione a quibusdam vero in Epiphania, vel in ejus octavis. Fiunt autem quatuor tripudia post natiuitatem Domini in Ecclesia, Levitarum scilicet, Sacerdotum, Puerorum i. e. minorum aetate et ordine, et Hypodiaconorum, qui ordo incertus est. Unde fit, ut ille quandoque annumeretur inter sacros ordines, quandoque non, quod expresse ex eo intelligitur, quod certum tempus non habeat, et officio celebretur confuso. Durantis repeats the contents of these two chapters in his Rationale Divin. offic. lib. vii. c. 42 in fine.) Cap. 120: Restat,—ut—agamus—de quadam libertate Decembris, quae hoc tempore in quibusdam locis observatur. Sunt nempe nonnullae Ecclesiae, in quibus usitatum est, ut vel etiam Episcopi vel Archiepiscopi in coenobiis cum suis ludant subditis, ita ut etiam sese ad lulum pilae demittant. Atque haec quidem libertas ideo dicta est Decembria, quod olim apud ethnicos incris fuerit, ut hoc mense servi et ancillae et pastores velut quandam libertate donarentur, fierentque cum dominis suis pari conditione, communia festa agentes post collectionem messium. Quamquam vero magnae Ecclesiae, ut est Remensis, hanc ludendi consuetudinem observent, videtur tamen laudabilius esse non ludere. Most remarkable for wanton mockery of ecclesiastical institutions are the festum innocentum, (in the monastic schools a child-abbot, in the cathedral schools a child-bishop was chosen, in Mayence this festive custom has been continued down to modern times. cf. F. A. Dürr *comm. hist. de Episcopo Puerorum* vulgo vom Schulbischof. Mogunt. 1755. 4. E. Meyer's *Gesch. d. Hamburgischen Schul- und Unterrichtswesens im Mittelalter*, Hamburg 1843), and the festum hypodiaconorum (cf. du Tillet *mémoi-*

decrees were passed against this custom :³ still the disorder continued to increase.

res pour servir à l'histoire de la fête des foux. A Lausanne et à Genève 1751. 8. du Fresne s. v. Kalendae.) In Ratisbon the abuse was so great that Innocent IV. in 1249 issued a prohibition against it: see Monumenta boica xiii. 214. Gemeiner's Reichstadt Regensburgische Chronik, Regensb. 1800. 4. i. 357. However the grossest extravagances of this nature seem to belong originally to the succeeding period.—In many places, for instance in Rouen, an ass-feast was celebrated on Christmas-day: Elsewhere, as in Beauvais, a ceremony of the same kind was kept on the 14th of June, in commemoration of the flight into Egypt. cf. du Fresne s. v. Festum asinorum. Another festival, accompanied with similar extravagances of the clergy, took place in Evreux on the first of May so early as about 1200. Du Tillet l. c. p. 26 ss.

³ The first was in the year 1198, by Cardinal Peter, papal Legate, addrest to Odo, Bishop of Paris, and publisht by him (ed. Petrus de Gussanvilla in Append. ad Petri Blesensis opp. and quoted from this in Bibl. Patrum Lugd. xxiv. 1370): didicimus, quod in festo circumcisionis dominicæ in eadem ecclesia [Parisiensi] tot consueverunt enormitates et opera flagitiosa committi, quod locum sanctum, in quo gloriosa Virgo gratam sibi mansionem elegit (the Church of Notre Dame), non solum foeditate verborum, verum etiam sanguinis effusione plerumque contingit inquinari; at eatenus adinventio tam perniciosæ temeritatis invaluit, ut sacratissima dies, in qua mundi Redemptor voluit circumcidi, festum fatuorum nec immerito generaliter consueverit appellari. Thereupon in 1199 followed Odo's directions for a proper celebration of the Circumcision of our Lord, and of the Feast of St Stephen (quoniam festivitas b. Protomartyris Stephani ejusdem fere subiacebat dissolutionis et temeritatis incommodo): and a confirmation of these directions by Petrus Cambius, the next Bishop of Paris, in the year 1208 (both l. c.) Nevertheless the Council of Paris ann. 1212 Pars iv. c. 16 (in Mansi xxii. 842) found it necessary to enjoin even on the Bishops: A festis vero follorum, ubi baculus accipitur, omnino abstineatur. Idem fortius monachis et monialibus prohibemus. The first sentence is repeated by Robertus Legatus in Conc. Rotomag. ann. 1214 P. iii. c. 16 (Mansi xxii. 920).—Innocent III. in the year 1210 (Decr. Greg. lib. iii. tit. i. cap. 12): Interdum ludi fiunt in Ecclesiis theatrales, et non solum ad ludibriorum spectacula introducuntur in eis monstra larvarum, verum etiam in aliquibus anni festivitatibus, quæ continue natalem Christi sequuntur, diaconi, presbyteri, ac subdiaconi vicissim insanie suæ ludibria exercere præsumunt: per gesticulationum suarum debacchationes obscenas in conspectu populi decus faciunt clericale vilescere etc. Statuta Eccl. Nivernensis ann. 1246 cap. 3. (Martene thes. anecdot. iv. 1069, Mansi xxiii. 731): Quia in festo stultorum, scil. Innocentium et anni novi, in Ecclesia vestra multa fiunt—inhonesta, sub poena excommunicationis inhibemus districtè, ne talia festa irrisoria de cætero facere præsumant. Constitt.

§ 80.

RELIGIOUS EDUCATION OF THE PEOPLE.

Schröckh xxix. 311. G. Schmidt über das Predigen in d. Landesprachen während des Mittelalters, in d. theol. Studien u. Kritiken 1846. ii. 243. Deutsche Predigten des xii. und xiii. Jahrh. herausg. v. K. Roth, Quedlinb. u. Leipz. 1839. Deutsche Predigten des xiii. u. xiv. Jahrh. herausg. v. H. Leyser, ebendas. 1838, Vorwort S. xiii.

In comparison with ecclesiastical pageantry, preaching, the more spiritual part of divine worship was either quite left off, or managed in a very unprofitable manner. Most of the sermons of the twelfth century were short homilies full of allegorical and mystical interpretations; they were often nothing more than stiff translations from some Latin Homiliarium. Accordingly the wandering preachers of repentance and crusades made all the more impression on the people. The most distinguished preacher of this century is St Bernard.¹

From the heretics of Southern France, Peter of Bruis, Henry, and the Waldenses,² the common people first heard sermons

Petri Archiep. Burdegalensis in Conc. Coprinaciensi ann. 1260 cap. 2 (Mansi xxiii. 1033): Cum in ballectione (dance) quae in festo ss. Innocentium in quibusdam Ecclesiis fieri inolevit, multae rixae, contentiones et turbationes—consueverint provenire, praedictas ballectiones ulterius sub intimatione anathematis fieri prohibemus, necnon et Episcopos in praedicto festo creari: cum hoc in Ecclesia Dei ridiculum existat, et hoc dignitatis episcopalis ludibrio fiat. When these prohibitions were found fruitless, they became at last more complying. Conc. Saltzburgense ann. 1274 cap. 17: Ad haec quidam ludi noxii, quos vulgaris elocutio episcopatus puerorum appellat, in quibusdam Ecclesiis exercetur adeo insolenter, quod nonnunquam enormes culpae et damna gravia subsequuntur. Ex ipsis hos ludos in Ecclesiis et a personis ecclesiasticis de caetero fieri prohibemus, nisi forte parvi sexdecim annorum et infra fuerint, qui hujusmodi ludos exercent, quibus alii seniores ipsi nullatenus se misceant aut intersint. Ordinationes Joannis Cantuar. Archiep. in domibus religiosis ann. 1279 (Mansi xxiv. 264): Puerilia solemnia, quae in festo solent fieri Innocentium, post vespas s. Joannis tantum inchoari permittimus, et in crastino in ipsa die Innocentium totaliter terminentur.

¹ Schmidt and other places. S. 253.

² See below § 87 and 88.

which brought before them the simple doctrines of Christianity with equal comprehensiveness and convincing power : accordingly they met with great success. It was probably their example which actuated Fulco, pastor of Neuilly in the Bishopric of Paris († 1202)³ whose exhortations to repentance and morality had the more powerful effect, from the strangeness of such spiritual admonitions to the people. In particular the first two mendicant orders were roused to action by them :⁴ for the Franciscans adopted into the service of the Church, those very peculiarities, by means of which the Heretics made so great an impression : They went forth among the people with an intelligible and animated style of preaching ; while the Dominicans likewise in their addresses to the common people, made the extinction of heresy their principal aim. Although the Franciscans as tools of the Pope, soon became for the most part untrue to their original purpose : still from time to time the antient enthusiasm for popular preaching reappeared among them ; as for instance in

³ Jacobi a Vitriaco hist. occident. c. 6 : In diebus illis suscitavit Deus caeli spiritum cujusdam sacerdotis ruralis, simplicis valde et illiterati, de episcopatu Parisiensi, nomine Fulconis. Sicut enim piscatores et idiotas elegit, ut gloriam suam alteri non daret : sic Dominus eo quod parvuli petissent panem, literati autem circa disputationes vanitatis et pugnas verborum intenti, frangere non curabant, praedictum Presbyterum tanquam stellam in medio nebulae, et pluviam in medio siccitatis,—ad vineam suam excolendam misericorditer elegit.—He made his appearance as a preacher in Paris, cap. 8, et exinde alii tam doctores quam discipuli ad ejus rudem et simplicem praedicationem concurrebant. Alter alterum invitabat,—dicentes : Venite et audite Fulconem presbyterum, tanquam alterum Paulum. Ipse autem confortatus in Domino—coepit vitiorum monstra fortiter adminiculante Domino prosternere. On the affect of his preaching : Publicae meretrices capillos scindentes consuetam turpitudinem abnegabant. Sed et alii peccatores Sathanæ et pompis ejus cum lacrimis renunciantes, ab ipso veniam postulabant. He soon acquired fame as a worker of miracles. In omnem autem Christianorum terram exivit sonus praedicationis ipsius, et fama sanctitatis ejus divulgabatur ubique. Sed et discipuli ejus, quos ad praedicandum mittebat, velut Apostoli Christi, cum summo honore et reverentia recipiebantur ab omnibus. His example was followed by many (cap. 9) ; but there rose up false preachers also, who desired nothing but their own advancement (cap. 10). Radulphi Abb. Coggeshalensis (after 1207) chron. Anglicanum, in Rerum Gallicarum et Francicarum scriptt. (begun by Bouquet, continued by Brial) xviii. 80. Wilken's Gesch. d. Kreuzzüge. Th. 5, s. 93.

⁴ See above § 68.

the Franciscan David at Augsburg (about the year 1250)⁵ and his pupil Berthold at Ratisbon († 1272).⁶

The religious education of the people remained fettered as before.⁷

⁵ See *deutsche Mystiker des 14. Jahrh.* herausgeg. von F. Pfeiffer Bd. 1. (Leipzig 1845) s. 309. Einleit. s. xxvi.

⁶ Concerning him see especially Joannes Vitoduranus (a Franciscan † 1348) in *chron.* ad ann. 1265 (in *Thesaurus historiae Helvetiae. Tiguri 1735. fol. p. 6*: *Circeiter ista tempora floruit frater Bertoldus Ordinis Fratrum minorum in Alamania egregius praedicator, qui circumneundo et perambulando frequenter Alamaniam ipsam mirabiliter illustravit, et peccatores innumeros verbo et exemplo pariter ad Dominum convertibat, ejus memoria in benedictione est, et adhuc recentissima meo tempore perseverat in hominibus. In campis saepius solebat praedicare, et tunc populus ex omnibus partibus finitimis et locis circumadjacentibus in maxima multitudine confluebat.—Ipse fuit linguae disertae, vitae sanctae, magnae literaturae, sicut adhuc evidenter apparet et patet in diversis voluminibus ab eo compilatis sermonum, quos rusticanos appellari voluit. In suis praedicationibus peccatores inveterati, obstinati ac sceleratissimi surrexerunt aperte peccata sua confitentes, et vitam turpem praeteritam abdicantes, veniamque postulantes, et satisfactionem ac emendam dignam promittentes.—Post mortem suam in civitate Bawariae dicta Ratispona, in qua, ut fertur, natus et alitus erat, multis multo tempore coruscavit miraculis in loco Fratrum minorum, ubi sepultus est. cf. Wadding ad ann. 1272 no. 16. Matth. Raderi Bavaria sancta (Tomi iv. Monach. 1704. fol.) i. 293. Müller's *Schweizergeschichte* i. 530. Berthold's *Stamntafel* b. Roth a. a. O. s. 80. *Mons's Anzeiger 7r Jahrg.* (1838) s. 218.—See also Berthold the Franciscan's German sermons, some entire, some in abstract, publisht (from a manuscript at Heidelberg) by Ch. Fredr. Kling, Berlin 1824. 8. Comp. J. Grimm's remarks in the *Wiener Jahrbüchern* (1825) xxxii. 194, where Berthold's life, activity, and preaching are expressly treated of, and some other manuscripts of sermons are authenticated as his. Comp. *Leyser Vorw.* s. xvi.—At the same time lived also the unknown monk, to whom the German sermons of the 13th cent. publisht by Grieshaber 1. Div. Stuttg. 1844, are to be referred.*

⁷ *Statuta synodalia Richardi Cicestrensis Episc.* ann. 1246 (*Mansi xxiii. 714*): *Volumus, ut a propriis sacerdotibus laici moneantur, ut orationem dominicam, et symbolum Apostolorum addiscant* (see Part 1. § 10. note 29), *et salutatione b. Virginis; et haec sacerdotes parochianos in lingua saltem materna diligenter et frequenter doceant.* Compare *Odönis Ep. Paris praecepta* above § 78, note 12.

§ 81.

ART EMPLOYED IN THE SERVICE OF THE CHURCH.

The progress of the poetic art in Germany since the 12th century bore much fair fruit of popular sacred poetry (called *Leisen* from *Kyrie Eleison* the common ending): They were indeed for the most part Hymns to the Virgin; but so early as the 13th century the Easter Hymn *Christus ist erstanden*, and the Whitsuntide Hymn *Nun bitten wir den heiligen geist*,¹ were in existence; while the Spirit of St Francis of Assisi still finding an answering voice in his order, provided for the Post-Communion service² the *Dies irae*³ and *Stabat mater*.⁴ From the representation of the events of sacred history, as they were brought forward in the Church on their appropriate festival, with antiphonal chants and simple ceremonial, there were developed in the 13th century regular ecclesiastical dramas (called *mysteries*): The plots were derived partly from Bible history, partly from the *Legends of Saints*.⁵ With regard to the art of ecclesiastical architecture, which had been greatly improved since the 11th century, particularly by the monks, the pointed style remarkable for its sublimity grew up in Germany in the 13th century, and found in the Masonic Society which took its rise at the same time, its guardians.⁶ The Cathedral of Magdeburg of the date 1208, the Church of St Elizabeth at Marburg (in 1230), the

¹ H. Hoffman's *Gesch. d. deutschen Kirchenliedes bis auf Luthers Zeit* Breslau 1832. s. 38.

² The *Sequentia*, properly the chant following the *Hallelujah* in the mass, afterwards in general the choral music introduced in the mass.

³ By Thomas of Cellano the companion of St. Francis, see above § 68, note 3. Compare Mohnike *Kirchen und literarhistor. Studien* (Stralsund 1824) I. i. 3.

⁴ By Jacoponus, see above § 70, note 14 and Mohnike I. ii. 335 and other places.

⁵ *Schauspiele des Mittelalters* herausg. u. erklärt v. F. J. Mone, 2 Bde, Karlsruhe 1846. *Etudes sur les mystères dramatiques et sur divers manuscrits de Gerson*, par Onésime Leroy, Paris 1840.

⁶ Chr. Ludw. Stieglitz's *Gesch. d. Baukunst* in 3 Abtheil. 2e Ausg. Nürnberg 1837. *Die Bauhütte des Mittelalters in Deutschland*, von C. Heideloff, Nürnberg 1844. 4. J. Kreuser's *Kölner Dombriefe, oder Beiträge zur altchristl. Kirchenbaukunst*, Berlin 1844.

Cathedral of Cologne since 1248, became the most eminent patterns of this new style of church architecture.

§ 82.

KALAND-GUILDS.

Das Gildenwesen im Mittelalter, von Dr W. E. Wilda, Berlin 1831.

In the course of the 12th and 13th centuries the Trades-guilds¹ grew up; besides furthering their especial ends, they engaged to promote the respectability, harmony, and mutual assistance of their associates; they did honour to particular saints as their patrons: and from time to time united in common worship and social festivals. Following their example, the clergy of northern and central Germany in the thirteenth century, extended their Decanal-unions, which held their meetings on the Kalends, to Kaland-guilds,² which included the laity also both men and women—and imposed on themselves an especial obligation to

¹ Wilda S. 228.

² Wilda S. 352. The earlier works on the Kaland-guilds give much information on their statutes and on the grants they received, but none on their origin. There are many of these extant on some particular guilds. These are of more general purport: Joach. Felleri diss. de Fratribus Kalendariis, notis illustrata a Christ. Franc. Paullini, Francof. ad M. 1692. 4. Chr. G. Blumberg's Abbildung des Kalandes, Chemniz 1721. 12.—Just as the monasteries granted to their benefactors a share in their good works, and promised them prayers and masses for their souls; so the same might have been done in early times by these associations of secular clergy, until at last they united such beneficent laymen with themselves after the manner of a guild. The antient organization of these unions, as regular meetings for spiritual exercises and repasts (see Part 1. § 8, note 9) remained unaltered: The Head of every Kaland-guild was the Dean, the spiritual members (the Kaland-masters) deliberated continually apart from the laity (the common Kaland-fellows) on the affairs of the Church. Thus after the Reformation guilds of this nature might have been here and there retained, after the separation of the laybrothers, in the form of synods, as boards of Ecclesiastical inspection. In this manner the Kaland-guild at Münsterdorf in Holstein, was changed by King Christian III. in the year 1544 into an evangelical consistory, properly into a synodal union with consistorial rights; it received from that time the name of

prayer and masses for living and dead members.³ When the tertiary orders and fraternities of the Mendicant Friars drew the laity in masses to themselves, by the promise of greater spiritual advantages, the KalandS were more zealously extended by the secular clergy,⁴ in order to preserve adherents from among the laity to themselves, in opposition to those adherents of the Men-

a Consistory, but in the language of the people continued to be called Kaland. (See Schröder's *Gesch. d. Münsterdorischen Consistoriums*, in Michelsen's u. Asmussen's *Archiv f. Staats- u. Kirchengesch. d. Herzogthümer Schleswig, Holstein, Lauenburg* ii. 23.) Thus the Landgrave Philip the Munificent, in the year 1565 restored the Kaland-guild in Friedberg as a Synodal-union of Wetteravia (Kuchenbecker's *analecta Hassiaca, collectio* v. 123), while at the same time he designated it in his decree as a rural chapter, Convent, Synod, or Kaland. As these Kaland-guilds grew more common they certainly were not always united to the Rural-chapters, and very many KalandS formed themselves in the towns, in these cases accordingly they had no hierarchical claims.—The meetings on the KalandS of every month, seem to have been already given up in the antient, purely spiritual association: the Kaland-guilds commonly met but twice in the year. Hence we may conclude that the name Kaland was in use in earlier times for those Decanal-unions, and has only devolved by inheritance on the Kaland-guilds.

³ Johannes de Indagine, a Carthusian in Erfurt and Eisenach, about the year 1450, de societate Kalendarum (MS. in the Paulinerbibliothek at Leipzig, quoted in Jo. Felleri diss. de fratr. Kalend. p. 28 and 29): *Kalendae sunt societates religiosas, e calo i. e. convoco, quod conveniant se mutuo homines ad communicandum bona sua mutuo, et ad subveniendum animabus defunctorum.*—Habent (*fratres Kalendarum*) amicalem quandam societatem, in qua communiter vivunt, et certis temporibus conveniunt communicando bona spiritualia, et se mutuo in caritate corrigendo sine coercitione potestativa, et sine novo habitu, et hinc licita sunt sine auctoritate Papae, quanquam expediat, ut societas Fratrum de Kalendis auctoritate Episcopi alicujus confirmetur.—Est tamen hacc fraternitas spiritualis boni, et ratione spiritualium sufragiorum, quamvis conveniant certis diebus ad convivia, vel collationes et potationes, quia spiritualia esse omnino non possunt sine temporalibus.

⁴ In the 13th century there were but few KalandS in existence. The oldest known is that at Ottburg near Hörter, from which Chr. Fr. Paullini in the *chron. Ottbergense* p. 174) in his *Syntagma rer. Germ. Francof. ad M.* 1698. 4) quotes a document dated so far back as 1226. The most antient Kaland in the city of Brunswick was founded in 1265, the Brothers called themselves *fratres de collegio sacerdotalis fraternitatis s. Spiritus* (Rehtmeyer's *Kirchenhistorie d. Stadt Braunschweig* i. 150.) The Kaland in Colberg was founded in 1267 (Fortg. *Sammlung v. alten u. neuen theol. Sachen* 1735 S. 251.) Even in

dicants. However the new Kaland, as well as the old, soon fell into evil repute, for their riotous revels.⁵

Mecklenburg Kaland were to be found so early as the 13th cent. (J. Wiggers Kirchengesch. Mecklenburgs, Parchim und Ludwigslust 1840, S. 79.) But the greatest number of Kaland-guilds originated in the 14th and 15th centuries. They spread themselves also into Denmark (Wilda S. 353), Hungary and France (Feller de fratr. Kal. p. 21.)

⁵ Thence the proverb, ein grosser Kaland d. i. ein grosser Schmaus (Rehtmeyer i. 152), Kalenderen, bunte Kalender machen d. i. join in banquets (Paullini chron. Ottberg. p. 176.)

SIXTH CHAPTER.

ALTERATIONS IN CHURCH-DISCIPLINE, AND THEIR NEW
DOCTRINAL FOUNDATIONS.

§ 83.

CONFESSION.

Jo. Morini commentarius hist. de disciplina in administratione sacramenti poenitentiae. Paris. 1651. Antverp. 1682. fol. Jo. Dallaei disp. de sacramentali s. auriculari Latinorum confessione. Genev. 1661. 4.

Open sins cut men off from the Church, and made the mediation of the Priest necessary. On the other hand in the beginning of this period of time, confession of secret sin, was not yet required as an indispensable condition of forgiveness,¹ but only recom-

¹ See above Part i. § 19, note 3. Lanfrancus de celanda confessione (Opp. ed. d'Achery p. 381): de occultis omni ecclesiastico Ordini confiteri debemus, de apertis vero solis convenit sacerdotibus, per quos Ecclesia quae publice novit solvit et ligat.—Sin nec in Ordinibus ecclesiasticis cui confitearis invenis, vir mundus ubicunque sit requiratur.—Quodsi nemo cui confitearis invenitur, ne desperes, quia in hoc Patrum conveniunt sententiae, ut Domino confitearis. Abaelardi ethica c. 25 (Pezii anecdot. III. ii. 675), where it is shown: *Quod nonnunquam confessio dimitti potest*. We should especially compare on this head the two universal teachers of this age, Gratian and Peter Lombard. The former in Tractatus de poenitentia (P. ii. causa 33. qu. 3) dist. 1, at the very beginning starts the question: *Utrum sola cordis contritione et secreta satisfactione absque oris confessione quisque possit Deo satisfacere?* with the remark: *Sunt enim, qui dicunt, quilibet criminis veniam sine confessione facta Ecclesiae et sacerdotali iudicio posse promereri, juxta illud Ambrosii super Lucam ad cap. 22 etc.* He gives the authorities for this opinion can. 1—37, and supports it himself; e. g. ad can. 34: *Hinc etiam, ut Dominus ostenderet, quod non sacerdotali iudicio, sed largitate divinae gratiae peccato emundatur, leprosum tangendo mundavit, et postea sacerdoti sacrificium ex lege offerre praecepit. Leprosus enim tangitur, cum respectu divinae pietatis mens peccatoris illustrata compungitur. —Leprosus semetipsum*

mended as conducive to amendment. Neither was a power of absolution² attributed to the Priest : and accordingly it was

sacerdoti repræsentat, dum peccatum suum sacerdoti poenitens confitur. Sacrificium ex lege offert, dum satisfactionem Ecclesiae iudicio sibi impositam factis exsequitur. Sed antequam ad sacerdotem perveniat, emundatur, dum per contritionem cordis ante confessionem oris peccati venia indulgetur. He thus closes this first division ad can. 37 : Fit itaque confessio ad ostensionem poenitentiae, non ad impetrationem veniae. Then he introduces can. 38—89 the arguments of those, who asserted, sine confessione oris et satisfactione operis neminem a peccato posse mundari, si tempus satisfaciendi habuerit : but he shows ad can. 87, that there was no plain proof from the authorities alleged, latentia peccata sacerdoti necessario confitenda, et ejus arbitrio expianda. However he says at the end ad can. 89 : Cui harum (sententiarum) potius adhaerendum sit, lectoris iudicio reservatur. Utraque enim fautores habet sapientes et religiosos viros. Peter Lombard treats of these same questions Sent. lib. iv. dist. 17 : Primo quaeritur, utrum absque satisfactione et oris confessione per solam cordis contritionem peccatum alicui dimittatur : secundum, an aliquando sufficiat confiteri Deo sine sacerdote : tertio, an laico fidei facta valeat confessio. In his enim etiam docti diversa sentire inveniuntur, quia super his varia ac paene adversa tradidisse videntur Doctores. On the second question he unfolds the reasons on both sides, but he gives as his own decision, oportere Deo primum, et deinde sacerdoti offerri confessionem, nec aliter posse perveniri ad ingressum paradisi, si adsit facultas.

² This is proved by the fact that down to the 13th century the Priests made use of the *forma absolvendi deprecatoria* alone. Similar *Orationes ad dandam poenitentiam* may be found in the old Roman poenitentiaries in Canisii lectt. ant. ed. Basnage. II. ii. 122, and Eus. Amort de origine indulgentiarum, Aug. Vind. 1735. p. 17, e.g. the person making confession says : Obnix etiam te, Sacerdos Dei, exposco, ut intercedas pro me et pro peccatis meis ad Dominum Deum nostrum, quatenus de his et aliis omnibus sceleribus meis veniam et indulgentiam per merita et intercessionem omnium Sanctorum assequi merear. *Tunc dicat sacerdos* : Misereatur tui omnipotens Deus, et dimittat tibi omnia peccata tua, liberet te ab omni malo, conservet te in omni bono, et perducat nos pariter Jesus Christus filius Dei in vitam aeternam. Ab omni malo custodiat nos omnipotens Dominus. cf. Morinus l. c. lib. viii. c. 8—13. Peter Lombard denotes the transition to the later opinion, Sent. lib. iv. dist. 18 : Hoc sane dicere ac sentire possumus, quod solus Deus dimittit peccata et retinet : et tamen Ecclesiae contulit potestatem ligandi et solvendi. Sed aliter ipse solvit vel ligat, aliter Ecclesia. Ipse enim per se tantum dimittit peccatum, quia et animam mundat ab interiori macula, et a debito aeternae mortis solvit. Non autem hoc sacerdotibus concessit, quibus tamen tribuit potestatem solvendi et ligandi, i.e. ostendendi homines ligatos vel solutos. Unde Dominus leprosum sanitati prius per se restituit, deinde ad sacerdotes misit, quorum iudicio ostenderetur mundatus.—Quia etsi aliquis apud

believed that laymen also might hear confessions.³ In the 12th century, after that confession was reckoned among the sacraments, (see above § 77, note 19, ss.), the contrary views began to gain ground,⁴ first as opinions, and afterwards got the ascendancy in the church, by virtue of the decree of Innocent III., which imposed by law an annual confession to the parish priest.⁵

Deum sit solutus, non tamen in facie Ecclesiae solutus habetur, nisi per iudicium sacerdotis. In solvendis ergo culpis vel retinendis ita operatur sacerdos evangelicus et iudicat, sicut olim legalis in illis, qui contaminati erant lepra, quae peccatum signat. Unde Hieronymus super Matth. xvi. 19: *Hunc, inquit locum quidam non intelligentes* etc. (See vol. i. Div. 2. § 104, note 29.) Compare Stephanus Obazinensis below § 84, note 6.

³ Petrus Lomb. Sent. lib. iv. dist. 17 de tertio articulo (see above note 1 at the end) decides with reference to the pretended work of Augustine de vera et falsa poenitentia: Sacerdotis examen requirendum est studiose, quia sacerdotibus concessit Deus potestatem ligandi atque solvendi, et ideo quibus ipsi dimittunt, et Deus dimittit. Si tamen defuerit sacerdos, proximo vel socio est facienda confessio. Albertus M. in Sent. lib. iv. dist. 17, art. 58 and 59, absolutely declares this confession to be sacramental. He distinguishes in art. 58 five kinds of potestas absolvendi. The fourth is ex officio ministrorum, concessa sacerdotibus. Et ultima ex unitate fidei et caritatis, et haec pro necessitatis articulo descendit in omnem hominem ad proximo subveniendum: et hanc potestatem habet laicus in articulo necessitatis.

⁴ They were principally supported by the work de vera et falsa poenitentia fathered upon Augustine in the 11th or 12th century (in Append. tom. vi. of the Benedictine edition), which has passed almost entire both into the decretal of Gratian, and the sentences of Lombard, and so has been frequently quoted by all the schoolmen. Compare here the exhortations to confess often and confess all sins, then § 25; quibus sacerdotes remittunt, remittit Deus; potestas solvendi concessa sacerdotibus: In cases of necessity a man might indeed confess to a layman, for Dei misericordia est ubique, qui et iustis novit parcere, *etsi non tam cito, sicut si solverentur a sacerdote*. Last comes the Theory: fit per confessionem veniale, quod criminale erat in operatione s. mortale. § 34: prius purgandus est igne purgationis, qui in aliud saeculum distulit fructum conversionis.—Quaedam enim peccata sunt, quae sunt mortalia, et in poenitentia fiunt venialia, non tamen statim sanata etc.

⁵ Conc. Later. iv. ann. 1215 can. 21: Omnis utriusque sexus fidelis, postquam ad annos discretionis pervenerit, omnia sua solus peccata confiteatur fideliter, saltem semel in anno, proprio sacerdoti, et injunctam sibi poenitentiam studeat pro viribus adimplere, suscipiens reverenter ad minus in Pascha eucharistiae sacramentum: nisi forte de consilio proprii sacerdotis ob aliquam rationabilem causam ad tempus ab ejus

From that time forth the confessional began to be considered as the alone means of obtaining forgiveness for deadly sin,⁶ which

perceptione duxerit abstinendum: alioquin et vivens ab ingressu Ecclesiae arceatur, et moriens christiana carcat sepultura.—Si quis autem alieno sacerdoti voluerit justa de causa sua confiteri peccata, licentiam prius postulet et obtineat a proprio sacerdote, cum aliter ille ipse non possit solvere vel ligare. Sacerdos autem sit discretus et cautus, ut more periti medici superinfundat vinum et oleum vulneribus sauciati: diligenter inquirens et peccatoris circumstantias et peccati, per quas prudenter intelligat, quale illi consilium debeat exhibere, et ejusmodi remedium adhibere, diversis experimentis utendo ad sanandum aegrotum. Caveat autem omnino, ne verbo, vel signo, vel alio quovis modo prodat aliquatenus peccatorem, sed si prudentiori consilio indiguerit, illud absque ulla expressione personae caute requirat: quoniam qui peccatum in poenitentiali iudicio sibi detectum praesumpserit revelari, non solum a sacerdotali officio deponendum decernimus, verum etiam ad agendam perpetuam poenitentiam in arctum monasterium detrudendum.

⁶ Compare particularly Thomas in Summa theol. p. iii. qu. 84—90, and Supplementum tertiae partis, qu. 1—20. Especially Suppl. p. iii. 6, art. 1, on the question: *Utrum confessio sit necessaria ad salutem?* Passio Christi, sine ejus virtute nec originale nec actuale peccatum dimittitur, in nobis operatur per sacramentorum susceptionem, quae ex ipsa efficaciam habent. Et ideo ad culpae remissionem, et actualis, et originalis, requiritur sacramentum Ecclesiae, vel actu susceptum, vel saltem voto, quando articulus necessitatis, non contemptus, sacramentum excludit: et per consequens illa sacramenta, quae ordinantur contra culpam, cum qua salus esse non potest, sunt de necessitate salutis. Et ideo sicut baptismus, quo deletur originale, est de necessitate salutis, ita et poenitentiae sacramentum. Sicut autem aliquis per hoc, quod baptismum petit, se ministris Ecclesiae subicit, ad quos pertinet dispensatio sacramenti: ita etiam per hoc, quod confitetur peccatum suum, se ministro Ecclesiae subicit, ut per sacramentum poenitentiae ab eo dispensatum remissionem consequatur: qui congruum remedium adhibere non potest, nisi peccatum cognoscat, quod fit per confessionem peccantis. Et ideo confessio est de necessitate salutis ejus, qui in peccatum actuale mortale cecidit. Art 3: *Utrum omnes ad confessionem teneantur?* Ad confessionem dupliciter obligamur. Uno modo ex jure divino,—et secundum hoc non omnes tenentur ad confessionem, sed illi tantum, qui peccatum mortale incurrunt post baptismum. Alio modo ex praecepto juris positivi, et sic tenentur omnes ex institutione Ecclesiae, edita in Concilio generali sub Innocentio III. (see above note 5.)—Ex vi sacramenti non tenetur aliquis venialia confiteri, sed ex institutione Ecclesiae, quando non habet alia quae confiteatur. Qu. 10, art. 2: *Utrum confessio liberet aliquo modo a poena?* Confessio simul cum absolutione habet vim liberandi a poena dupliciter. Uno modo ex ipsa vi absolutionis, et sic quidem liberat in voto existens a poena aeterna, sicut etiam a culpa: quae quidem poena est poena condemnans, et ex toto exterminans: a qua homo liberatus, adhuc manet

obligatus ad poenam temporalem, secundum quod poena est medicina purgans et promovens : et sic haec poena restat in purgatorio patienda etiam his, qui a poena inferni liberati sunt.—Alio modo diminuit poenam ex ipsa natura actus confitentis, qui habet poenam erubescantiae annexam : et ideo quanto aliquis pluries de ipsis peccatis confitetur, tanto magis poena minuitur. Still there was at first a consciousness in the church, that these determinations were new, cf. Glossa. ad tract. de poenitentia (i.e. Gratiani Decret. p. ii. caus. 33 qu. 3) dist. v. on the title to the question. *Quando oris confessio fuerit instituta?* Dicunt quidam institutam fuisse in paradiso (to wit Gen. iii. 9).—Alii dicunt, quod sub lege fuit primo instituta, quando Josua praecepit Achan crimen suum confiteri (Jos. vii. 19). Sed melius dicitur, eam institutam fuisse a quadam universalis Ecclesiae traditione potius, quam ex novi vel veteris Testamenti auctoritate.—Ergo necessaria est confessio in mortalibus apud nos, apud Graecos non, quia non emanavit apud illos traditio talis.—Illud ergo Jacobi : *Confitemini alterutrum peccata vestra* (Jac. v. 16) fuit consilii primo : alioquin ligaret et Graecos non obstante eorum consuetudine. Further Bonaventura in Sent. lib. iv. dist. 17, p. 2. Exposit. textus on Lombard's words *Quibusdam visum est sufficere, si soli Deo fiat confessio* : Quaeritur hic, utrum tales fuerint haeretici. Et quod non, videtur, quia Magister recitat hoc tamquam opinionem probabilem. Sed contra hoc est, quia negans confessionem negat absolutionem, ac per hoc negat clavium virtutem, et ita manifeste est contra Scripturam, et ita contra fidem. Resp. Dicendum, quod si quis esset modo hujus opinionis, esset haereticus judicandus, quoniam in concilio generali hoc determinatum est sub Innocentio III. Sed ante hanc determinationem hoc non erat haeresis, quia ipsi non negabant clavium potestatem, sed negabant necessitatem : et bene concedebant, quod utile erat confiteri, et sacerdotes poterant absolvere. Ideo Magister et Gratianus in Decretis hoc referunt tanquam opinionem : tamen uterque (?) improbat hoc, et determinat in contrarium. Et si quis pertinaciter assereret contrarium, esset haereticus judicandus.—On the other hand already says Duns Scotus in Sent. lib. iv. dist. 17. qu. 1 : Si teneatur, quod confessio non cadit nisi sub praecepto Ecclesiae, non potest faciliter probari, nisi quia vel Ecclesia non attentasset tam arduum praeceptum imponere omnibus Christianis, nisi esset praeceptum divinum, vel quia non invenitur, ubi ab Ecclesia imponatur istud praeceptum, quin ante hoc Sancti reputarent, hoc praeceptum de confessione obligare. With regard to the Cap. Omnis utriusque sexus (see note 6), ante illud tempus per multos annos fuit Augustinus plus quam per octingentos annos, qui praedicavit confessionem valde esse necessariam : ut patet in libro suo *de vera et falsa poenitentia* (see above note 4). Then he endeavours to refute the Gloss ad tract. de poen. dist. v. (see above), for instance in reference to the Greeks he says ; multas laudabiles consuetudines omiserunt, ex quo ab Ecclesia recesserunt, et istam non solum laudabilem, sed etiam necessariam, potuerunt omittere ; and he concludes ; Breviter, videtur rationabilius tenere, quod confessio cadat sub praecepto divino positivo.—Confession was universally believed to be indispensably necessary only for the forgiveness of deadly sins :

the priest as the representative of God actually granted,⁷ and

with reference to venial sins, the judgment of St Augustine quoted by Lombard lib. iv. dist. 16, was received (see vol. i. Part 2. § 104 note 29): *De quotidianis levibusque peccatis, sine quibus haec vita non ducitur, quotidiana oratio fidelium satisfacit.* Duns Scôtus ad lib. iv. dist. 17. qu. 1 § 24. accordingly, controverts those (among others also Thomas Aquinas see above suppl. P. iii. qu. 6. art. 3), who asserted that if a man was guilty of no deadly sin, propter praeceptum Ecclesiae tenetur in illo casu ad venialium confessionem, and even lays down the proposition: *Nec aliquis tenetur ad aliquam contritionem de venialibus: immo in actuali voluntate vel actu venialis moriens salvabitur, vapulabit tamen.*

⁷ Against Lombard's opinion (see above note 2) sacerdotes non habere potestatem ligandi atque solvendi, sed ostendendi homines esse solutos, sive ligatos, Richardus a s. Victore wrote in the tract. de potestate ligandi et solvendi cap. 12 (following the view of Hugo a s. Victore de Sacram. lib. ii. Pars. xiv. c. 8.) and calls it *sententiam tam frivola, ut ridenda videatur potius, quam refellenda.* However even Richard was just as little satisfactory to later writers, for he only attributes to the Priests, potestatem remittendi peccata, quantum ad liberationem poenae, while he reserves for God alone liberationem a culpa per gratiam divinitus infusam. On the other hand Thomas in Summa, suppl. P. iii. qu. 18. art. 1: *Utrum potestas clavium se extendat ad remissionem culpae?* Virtus clavium operatur ad culpae remissionem—sicut et aqua baptismi. Sed sicut baptismus non agit sicut principale agens, sed sicut instrumentum, non quidem pertingens ad ipsam gratiae susceptionem causandam etiam instrumentaliter, sed disponens ad gratiam, per quam fit remissio culpae: ita est de potestate clavium. Unde solus Deus remittit per se culpam, et in virtute ejus agit instrumentaliter baptismus, ut instrumentum inanimatum; et sacerdos, ut instrumentum animatum.—Et sic patet, quod potestas clavium ordinatur aliquo modo ad remissionem culpae, non sicut causans, sed sicut disponens ad eam. Unde si ante absolutionem aliquis non fuisset perfecte dispositus ad gratiam suscipiendam, in ipsa confessione et absolutione sacramentali gratiam consequeretur, si obicem non poneret. Accordingly he explains the power of Priests to remit sins, *secundum opinionem, quae sustinetur communius*, to this effect, ut significant divinam operationem ad remissionem culpae praesentem, et ad ipsam aliquid dispositive et instrumentaliter operentur. Art. 2. *Utrum sacerdos possit remittere peccatum quoad poenam?* Illi, qui per contritionem consequutus est remissionem peccatorum, quantum ad culpam, et per consequens quantum ad reatum poenae aeternae, quae simul cum culpa dimittitur ex vi clavium, ex passione Christi efficaciam habentium, augetur gratia, et remittitur temporalis poena, cujus reatus adhuc remanserat post culpae remissionem: non tamen tota, sicut in baptismo, sed pars ejus.—In baptismo—fit per gratiam baptismalem novus homo, et ideo nullus reatus poenae in eo remanet pro praecedenti peccato. Sed in poenitentia homo non mutatur in aliam vitam, quia non est regeneratio, sed sanatio quaedam: ideo ex vi clavium—non tota poena

which he alone could grant.⁸ Thus confession to laymen died away of itself.⁹ The common people were more easily won over

remittitur, sed aliquid de poena temporalis, cujus reatus post absolutionem a poena aeterna remanere potuit. Accordingly in Thomas' time the forma absolvendi deprecatoria (see above note 2) was changed into the indicativa: *Ego absolvo te*, &c. Still Guilelmus ep. Paris. († 1249) de sacramento poenitentiae, says towards the end: neque more judicium forensium pronunciat Confessor: *absolvimus te, non condemnamus*; sed magis orationem facit super eum, ut Deus absolutionem et remissionem atque gratiam sanctificationis tribuat. However soon after this time that form was adopted, and Thomas defended it against the attack of an unknown writer, in the opusc. xxii. de forma absolutionis. He asserted (cap. 5), quod non debet sacerdos dicere "*Ego te absolvo*," tum quia hoc pertinet ad potestatem Dei, tum quia sacerdoti incertum est, an ille absolvatur. Addit etiam objiciendo, quod vix xxx anni sunt, quod omnes hac forma utebantur "*Absolutionem et remissionem tribuat tibi Deus*." Sed quomodo de omnibus potest testimonium perhibere, qui omnes non vidit? Compare Thomae Summa P. iii. qu. 84. art. 3: *Utrum haec sit forma hujus sacramenti, Ego te absolvo?* E.g. In sacramentali absolutione non sufficeret dicere: "*Misereatur tui omnipotens Deus*" vel "*Absolutionem et remissionem tribuat tibi Deus*:" quia per haec verba sacerdos absolutionem non significat fieri, sed petit ut fiat. Praemittitur tamen etiam in sacramentali absolutione talis oratio, ne impediatur effectus sacramenti ex parte poenitentis. The formula deprecatoria was retained as the Absolution in some places down to the 14th cent., see Franciscus Mayronius († 1325) in Sent. lib. iv. dist. 14. qu. 1. art. 2, afterwards it was used only as an introduction to the Absolution.

⁸ Thomas in Summa, suppl. P. iii. qu. 8. art. 1: Gratia, quae in sacramentis datur, a capite in membra descendit: et ideo solus ille minister est sacramentorum, in quibus gratia datur, qui habet ministerium super corpus Christi verum: quod solius sacerdotis est, qui consecrare eucharistiam potest. Et ideo cum in sacramento poenitentiae gratia conferatur, solus sacerdos minister est hujus sacramenti: et ideo ei soli facienda est sacramentalis confessio, quae ministro Ecclesiae fieri debet.

⁹ The following gradations are worthy of note: After Albertus M. had declared confession to a layman to be confessio sacramentalis (see above note 3), Thomas represents it (Suppl. tertiae partis Summae qu. viii. art. 2) only as quodammodo sacramentalis with the following mode of reasoning: In sacramento poenitentiae non solum est aliquid ex parte ministri, scilicet absolutio et satisfactionis injunctio: sed etiam ex parte ipsius, qui suscipit sacramentum, quod est etiam de essentia sacramenti, sicut contritio et confessio.—Sed quando necessitas imminet, debet facere poenitens, quod ex parte sua est, scilicet conteri et confiteri, cui potest: qui quamvis sacramentum perficere non possit, ut faciat id quod ex parte sacerdotis est, absolutionem scilicet; defectum tamen sacerdotis summus sacerdos supplet. Nihilominus confessio ex defectu

to these alterations in doctrine and practice, because it was made a fundamental maxim not to impose on the person confessing a penance that would be burdensome to him.¹⁰

sacerdotis laico facta sacramentalis est quodammodo: quamvis non sit sacramentum perfectum, quia deest id quod est ex parte sacerdotis. On the other hand Bonaventura in Sent. lib. iv. dist. 17. pars 3. in exposit. textus, dub. 1: dicunt (aliqui), quod talis confessio quodammodo est sacramentum Ecclesiae. Probabilius tamen est dicere; quod non sit sacramentum ecclesiae, cum deficiat ibi formale, scilicet potestas clavis, sed est aliquid loco ejus. At last Duns Scotus in lib. iv. dist. 17. qu. 1. §. 27: Talis confessio potest esse materia verecundiae, quae est una poena debita peccato: et in hoc confitens solvit aliquam poenam, quam solveret, si confiteretur sacerdoti. Sed quia accusatio ad hoc ex praecepto fit, et non ad aliud, ut sequatur sententia, et laicus nullam habet sentiendi auctoritatem in isto foro: sequitur, quod nullum praeceptum est de accusando se laico: et forte utilius esset non accusare se illi, si posset aequalem verecundiam habere apud se recogitando eadem peccata, et sic aequè puniri.—Viro discreto, qui bene sciret, ad quid est confessio instituta, nec forte utile foret, nec (sine forte) necessarium, talem confessionem facere. Nevertheless the Synod of Treves, in the year 1310. c. 116 (Mansi xxv. 279), directed in case of danger of death, when no priest was at hand that confession should be made to a Catholic layman. An example of such confession is to be found (about the year 1250) in Joinville hist. de. s. Louis (in the Collection des mémoires relatifs à l'hist. de France depuis Philippe-Auguste par M. Petitot. Tom. ii. (Paris 1819. 8.) p. 296. When Joinville and his companions were taken prisoners by the Saracens, and expecting the approach of death, he writes: Encouste moy se agenoilla messir Guy d'Elclin, connestable de Chippre, et se confessa à moy: et je lui donnay telle absolucion, comme Dieu m'en donnoit le povoir. Other instances may be seen in H. Klee die Beichte, eine hist. krit. Untersuchung, Frankf. a. M. 1828. 8. S. 260 ff.

¹⁰ Robertus de Flammesburg, Canon. s. Victoris (about 1180) in Poenitentiali: si poenitens canonicam non vult recipere poenitentiam, i. e. a canonibus institutam, diligenter admoneo, ne animam suam ullo modo laedat, et promissimum me offero ad quantamlibet poenitentiae alleviationem.—Petrus Pictaviensis Canon. s. Victoris (about 1180) in Poenitentiali: Non videtur, quod pro peccatis occultis debent poenitens aliquis aretari praecise ad aliquod genus satisfactionis nolens, sed redimere potest, vel aliter compensare.—Raymundus de Pennaforti Summa de poenitentia et matrimonio §. 41: Ex his poterit quis invenire processum ad satisfactionem pro diversis criminibus secundum poenitenciales canones imponendam: nec debet sacerdos a praedicta forma recedere, nisi propter causam, et in hoc consistit ejus arbitrium, scilicet pro qua vel pro quibus circumstantiis, et quantum et quando possit augeri vel minui poenitentia canonica: et haec est opinio quorundam. Alii vero dicunt, indistincte omnes poenitentias esse arbitrarias, et hanc ultimam opinionem videtur amplecti consuetudo. Prima tamen est tutior, licet difficilior.—Duns Scotus in lib. iv. dist. 15. qu. 1. no. 14: Poenitenti illud

§ 84.

INDULGENCE.

Jo. Morini comm. (see before §. 83).—Eus. Amort de origine, progressu, valore ac fructu indulgentiarum accurata notitia historica, dogmatica, polemica, critica. Aug. Vindel. et Graecii 1735. fol.—Lettres historiques et dogmatiques sur les Jubilés et les Indulgences, par Charles Chais, a la Haye 1751. 3 tomes. 8.

The development of the Indulgence in this period, together with that of the confessional, in lasting and reciprocal operation, completed the destruction of the antient penitential system. Whilst bishops and priests continued to ply a retail business in the punishment of sin,¹ the Popes began after the time of Gregory VII.

imponendum est, quod libentius recipit, et quod creditur perseverantius adimplere. Vel si omnino nullam poenitentiam velit recipere a sacerdote impositam, dicit tamen se habere displicentiam de peccato commisso, et firmum propositum non recidivandi, absolvendus est —et nuncianda est sibi poena, quae esset pro peccatis facienda, et quod eam in se vel in aequivalenti absque impositione studeat adimplere: alioquin solvet ad plenum in purgatorio. cf. Amort de origine etc. indulgentiarum. ii. 32.

¹ Compare Part 1. §. 35. note 4. Calixti P. ii. sermo i. in s. Jacobum (Bibl. PP. Lugd. xx. 1283), Abaelardi ethica cap. 18 (Pezii anecd. III. ii. 666), especially cap. 25 (p. 680): Sunt nonnulli sacerdotum non tam per errorem quam cupiditatem subjectos decipientes, ut pro nummorum oblatione satisfactionis injunctae poenas condonent vel relaxent, non tam attendentes, quid velit Dominus, quam quid valeat nummus.—Nec solum sacerdotes, verum etiam ipsos principes sacerdotum h. e. Episcopos ita impudenter in hanc cupiditatem exardescere novimus; ut, cum in dedicationibus Ecclesiarum, vel in consecrationibus altarium, vel benedictionibus cimiteriorum, vel in aliquibus solemnitatibus populares habent conventus, unde copiosam oblationem exspectant, in relaxandis poenitentiis prodigi sunt: modo tertiam, modo quartam poenitentiae partem omnibus communiter indulgentes sub quadam scilicet specie caritatis, sed in veritate summae cupiditatis. Qui de sua se jactantes potestate, quam, ut ajunt, in Petro vel Apostolis susceperunt, cum eis a Domino dicretur: Quorum remiseritis peccata etc. (Jo. 20, 23), tunc maxime quod suum est agere gloriantur, cum hanc benignitatem subjectis impendunt. Atque utinam id saltem pro ipsis, non pro nummis, facerent, ut qualiscunque benignitas potius quam cupiditas videretur. Sed profecto si hoc in laude benignitatis habendum est, quod tertiam vel quartam poenitentiae partem relaxant,

to promise full pardon² in return for certain important services rendered to the Church: ever since the time of Urban II. this had been granted in an especial manner to all crusaders.³ The common people naturally understood this promise in its literal meaning: and in consequence it had the worst effect upon their morality:⁴ on the other hand we find that the Theologians of the 12th

multo amplius eorum pietas praedicanda erit, si dimidiam vel totam ex integro poenitentiam dimitterent, sicut liceresibi profitentur, et [a] Domino concessum esse, et quasi in manibus eorum caelos esse positos secundum remissionis vel absolutionis peccatorum supra posita testimonia. Magnae denique impietatis e contrario arguendi videntur, cur non omnes subjectos ab omnibus absolvant peccatis, ut videlicet neminem illorum damnari permittant: si ita, inquam, in eorum potestate constitutum est, quae voluerint peccata dimittere vel retinere, vel caelos his, quibus decreverint, aperire vel claudere: quod utique beatissimi praedicandi essent, si hos sibi, cum vellent, aperire possent. Quod quidem si non possunt vel nesciunt, certe illud poëticum, in quantum arbitrator, incurrunt:

Nec prosunt domino, quae prosunt omnibus, artes.

Appetat quislibet, non ego, potestatem illam, qua potius aliis quam sibi proficere possit, tanquam in potestate sua habeat alienas animas magis, quam propriam: cum e contrario quislibet discretus sentiat. cf. Conc. Eboracense ann. 1195 can. 3. Londoniense ann. 1237. cap. 4.

² An example in the case of Gregory VII. may be seen above § 47. note 31. The transition state to this immediate forgiveness of sin consisted in such promises as that of Gregory VI. in the year 1044 (in d'Achery spicileg. iii. 398) in behalf of those, who had sent contributions for the restoration of the churches in Rome: Quorum nos videntes devotionem et laudabilem erga communem matrem dilectionem, tam per nos, quam etiam per successores nostros ter in anno cum omnibus Romanis Ecclesiis generaliter Missam celebrare, et septies illorum specialem memoriam inter sacra Missarum sollemnia habere promissimus, ut omnipotens Dominus meritis Dei genetricis,—et beatorum Apostolorum Petri et Pauli auctoritate, omnium Sanctorum, maxime Romae quiescentium, oratione a cunctis eos peccatis absolvat, et ad vitam aeternam perducat.

³ See above § 48. note 8 and 10. § 51. note 14 &c. At first plenary indulgence was only granted, for services undertaken in behalf of the Church at the risk of life. Thus the idea of the power of martyrdom to eradicate sin entered into the conception of indulgence, see John VIII. Part i. § 35 note 11. Chron. Casaur. above § 48. note 10.

⁴ E. G. Chron. Urspergense ad ann. 1221 (taken from Aventinus in ann. Bojorum lib. vii. c. 3. ed. Gundling p. 632): Eo tempore dominus Cunradus Portuensis Episcopus Cardinalis in legatione sedis apostolicae dirigitur in Alemanniam pro negotio terrae sanctae, ut

century, since as yet it was hard for them to reconcile this forgiveness of sins by man, with their fundamental maxim, that God alone can forgive sin,⁵ partly gave little credit to it,⁶ partly, videlicet Crucesignatos faciat crucem resumere, et praedicatores instituat, qui alios ad crucem sumendam exhortentur. Tunc quidam, Johannes nomine, de Ordine Praedicatorum, veniens de Argentinensi civitate, instabat praedicationi opportune et importune, ita ut hominum vitia et peccata quasi importune exprobarer, et ad capiendas animas quaedam dogmata, hactenus inaudita, ingereret. (*Aventinus l. c.* Quemcumque scelere obnoxium, parricidio, incesto, sacrilegio pollutum, continuo, ubi cruciulam vesti assuisset, solutum esse et crimine et poena declamitabant.) Quae licet aliqua ratione possent defendi, ut veritatem contineant, multa tamen exinde mala provenisse dignoscuntur, cum audientes alio modo intellexerunt, et ad perpetrandum immanissima facinora et flagitia promovere effecti sunt. Inter quae dominus Engelbertus Coloniensis Archiepiscopus a consanguineis suis interfectus est, et multi sacerdotes trucidati.—Dicebant enim quidam pessimi: *faciam scelera, quia per susceptionem crucis innocuus ero, quin etiam animas multorum flagitiosorum liberabo* (Compare Matth. Paris above § 56 note 13 and Thomas Aquinas Summa, suppl. P. iii. qu. 71. art. 10 below note 18.) Innocentii IV. ep. ad Galliarum Praelatos ann. 1246 (Mansi xxiii. 600); Ex parte—regis Franciae illustris fuit propositum coram nobis, quod nonnulli Crucesignati regni sui, cum deberent ab excessibus abstinere, propter libertatem eis indultam furta, homicidia, raptus mulierum, et alia perpetrant detestanda. Nolentes igitur, ut aliqui Crucesignati occasione libertatis eis indultae praesumant ad talia extendere manus suas, universitati vestrae per apostolica scripta mandamus, quatenus Crucesignatos eosdem in huiusmodi criminibus minime defendatis.—Albertus Stadensis in chron. ed. Helmst. fol. 188. verso: Forte ibis aliquando sepulchrum Domini visitare. Tunc cogita, quod dicitur:

Caelum, non animum mutant, qui trans mare currunt.

Vix aliquos vidî, immo nunquam, qui redierint meliores, vel de transmarinis partibus, vel de Sanctorum liminibus —Forthwith the Christians in the east, who possess the richest indulgences, became universally infamous for their crimes, compare Wilkens Gesch. d. Kreuzzüge. v. 50. vi. 312. vii. 368. 743. Vridankes bescheidenheit von W. Grimm, Vorr. S. L. Raumer's Gesch. d. Hohenstaufen. ii. 380. E. g. Descr. terrae sanctae mscr. in Bern: Et clerus et populus in varios luxus effluxerat, totaque terrae illa flagitiis et facinoribus sordescerat, Guilelmus de Nangis (about 1301.) in Chron. ad. ann. 1187: unde regiones ceterae susceperant religionis exordium, inde totius immunditiae sumebant exemplum. Besides the rest of the passages quoted by Raumer, compare the instructions issued by Gregory X. for Thomas the new patriarch of Jerusalem (Raynald. ann. 1274 no. 17): Nosti—enormia, quae in transmarinis partibus committuntur etc.

⁵ See § 83, note 1 and 2.

⁶ Compare the expressions of Abelard (above note 1): and of Stephen Abb. Obazinensis († 1159), in his life written by one of his disciples,

in their explanations of the doctrine, stoppt far short of the literal sense of the promises.⁷ Innocent III. in the year 1215,

lib. ii. c. 18 (in Baluzii miscellan. iv. 130.) In the year 1156, when he laid the foundation stone of a new church, a great assemblage of people thronged together. Tamen petendi et impetrandi ad tanti operis supplementum, sicut fere cunctis aedificantibus mos est per Ecclesias populos commonere, ipsa die apud nos et initium et finis fuit. Ubi quamvis hoc Episcopus frequenter moneret, immo potius et juberet, datis literis indulgentiarum largitate refertis, tamen ei vir sanctus nunquam adquiescere voluit, dicens: *Nos talem consuetudinem introducere nolumus, ut populus scandalum et nobis ignominiam adquiramus, circumueundo Ecclesias, ostendendo beneficia, indulgentias largiendo, quas dare non poterit nisi solus Deus.* Audiui tamen referri ab his, qui interfuerunt, quod, cum in quodam episcopatu domum novam aedificaret, persuasus sit a quibusdam, immo compulsus, commonitorias literas ab Episcopo postulare, ut domui illi, quamdiu aedificaretur, beneficia populus impertiret. Episcopus petitioni ejus, quam quidem invitus nec per semetipsum faceret, libentissime annuit, statimque literas ipsas scribi praecepit. Cumque ventum esset ad indulgentiarum locum, mandat Abbati, quantum indulgentiae his, qui in hac fraternitate se mitterent, vellet adscribi. Cui ille ita remandavit: *Nos inquit, Domine, nostra adhuc premunt peccata, nec possumus levare aliena.* Quod audiens Episcopus, laetus erubuit, et virum Dei, ut vere erat, Dei servum et tali timore plenum non dubitavit. It is plain from the passages themselves that both Abelard's and Stephen's doubts referred as much to the Papal as the Episcopal indulgences. Besides, Bishops had at that time quite as much right to grant indulgences as the Pope. Cf. Albertus Magnus in Sent. lib. iv. dist. 20. art. 21: Dicendum, quod Episcopus in sua dioecesi potest conferre indulgentiam, quantum vult, nisi a Papa limitetur. In like manner Thomas in Sent. lib. iv. dist. 24. qu. 3. art. 2.

⁷ Paulus Presbyter (ad s. Nicolaum Passavii, about 1200) in Summa de poenitentia c. 15 (in Duellii miscellan. T. 1): Videndum est, quid valeant remissiones, quae fiunt in pontibus, dedicationibus Ecclesiarum etc. Super hoc septem sunt opiniones probabiles: septimam autem amplectimur et tenemus, licet aliae possunt esse verae. Prima dicunt, quod valeant tanquam thesaurus, ut cum alia defecerint, etiam mereri non possimus, recipiant nos in aeterna tabernacula, ut de villico iniquo legitur in Evangelio. Secundi dicunt, quod valeant quoad delicta ignorantiae. Terti dicunt, quod valeant quoad venialia oblivioni tradita. Quarti dicunt, quod valeant tanquam quodlibet bonum, tamen amplius, propter auctoritatem Ecclesiae. Quinti dicunt, quod valeant quoad mitigationem poenae in purgatorio, quod hic non peregit propter mortis praecoccupationem. Sexti dicunt, quod valeant quoad poenitentiam negligenter peractam. Septimi dicunt, quos amplectimur et imitatur, quod in veritate valeant, et hoc propter duo, propter nunni donationem, et quia Ecclesia obligat et constituit se orare pro illo. Guilelmus Episc. Altissiodorensis († 1223) comm. in Sentent. lib. iv. tract. vi.

imposed restrictions on episcopal indulgence,⁸ because of the abuses which rose therefrom; but, as it seems, only to open a door for the anomaly of Papal indulgence. For not only was

cap. ix. qu. 1: *Quaeritur, utrum in veritate tantum valet relaxatio, quantum promittit Ecclesia: quod videtur. Dicit enim Ecclesia sic: quicumque dederit de suo aliquid ad fabricam hujus loci, remittitur ei tertia pars poenitentiae et peccata oblita et hujusmodi.—Ad hoc dicunt quidam, quod relaxatio non tantum valet, quantum Ecclesia promittit, sed facit, ut excitentur fideles ad dandum, et decipit eos Ecclesia: sed illa deceptio pia fraus est, et non est peccatum.* This he contradicts, and explains himself thus: *relaxatio non tantum valet ratione dati, sed ratione precum et suffragiorum Ecclesiae, quae obligat se ad orandum pro illo, qui dat aliquid de suo ad fabricam Ecclesiae, et Ecclesia per preces suas meretur ei remissionem poenae: quod probatur, quia per preces suas meretur Ecclesia alicui remissionem culpae (in confessione), multo fortius remissionem poenae.* Then qu. 3. on the relaxatio, quae fit in Crucesignatis, propter quam multi faciunt expeditionem, quam praedicatores sic exponunt: *quicumque acceperit crucem ad subsidium terrae sanctae, dimittuntur ei omnia peccata sua, ita quod, si statim decedat sumpta cruce, statim evolabit.* On this he remarks, *quod in veritate multa promittunt Praelati, quae non solvuntur: unde cum magna discretione, et non passim faciendae sunt hujusmodi relaxationes.*—*Cum justa aestimatio non possit fieri de peccatis oblitis et votis fractis, non est necesse, quod tantum valeat illa relaxatio, quantum promittit Ecclesia. Unde sic est intelligendum: quicumque dederit de suo aliquid ad fabricam talis Ecclesiae, dimittitur ei tertia pars poenitentiae injunctae, et peccata oblita et vota fracta dimittuntur vel in parte, vel in toto.* Et hoc magnum est, sed Ecclesia non determinat, ut magis excitetur devotio fidelium: non est bonum omnia nota exprimere.—*De Crucesignatis dicimus, quod non est necesse, quod assumpta cruce statim evolant, si decedant: sed illa relaxatio intelligitur ut frequenter in pluribus.* Frequenter enim illi, qui accipiunt crucem, parati sunt mori pro Christo, et in hoc proposito augmentatur in eis contritio, et sic per contritionem dimittitur eis poena.—*Papa habet hanc potestatem, ut faciat Crucesignatos participes omnium suffragiorum Ecclesiae, sed non habet hanc potestatem, ut istum, qui est poenae debitor, faciat evolare sine solutione poenae: immo necesse est, quod suscipiat de manu Domini duplicia, qui faciat fructus dignos poenitentiae: sed intelligitur facere poenitentiam, si vel ipse vel Ecclesia faciat pro eo.* The opinion that the indulgence in reality rested on the suffragia Ecclesiae is avowed even by the Popes of the 12th century: e.g. Gelasii P. ii. ad exercitum Christianorum civitatem Caesarangustanam obsidentem ann. 1118 (Mansi xxi. 169 s.): *si quis vestrum accepta de peccatis suis poenitentia in expeditione hac mortuus fuerit, nos eum Sanctorum meritis, et totius Ecclesiae catholicae precibus, a suorum vinculis peccatorum absolvimus.*

⁸ Conc. Lateran. iv. ann. 1215 c. 62 (in Decretal. Gregor. lib. v. tit. 38. c. 14): *Ad haec, quia per indiscretas et superfluas indulgentias,*

the Papal indulgence for Crusaders in the 13th century repeated as often as there was a crusade,⁹ and even besides sold for money,¹⁰ and lesser indulgences granted for the most trifling circumstances:¹¹ but now also several orders of monks under Papal

quas quidam Ecclesiarum Praelati facere non verentur, et claves Ecclesiae contemnuntur, et poenitentialis satisfactio enervatur: decernimus, ut, cum dedicatur basilica, non extendatur indulgentia ultra annum, sive ab uno solo, sive a pluribus Episcopis dedicetur: ac deinde in anniversario, dedicationis tempore XL dies de injunctis poenitentiis indulta remissio non excedat. Hunc quoque dierum numerum indulgentiarum literas praecipimus moderari, quae pro quibuslibet causis aliquoties conceduntur: cum Romanus Pontifex, qui plenitudinem obtinet potestatis, hoc in talibus moderamen consueverit observare.

⁹ There were crusades against heretics (Albigenses and Stedinger), against unbelievers (Prussians, Livonians, &c.) and contumacious princes (Frederick II. &c.)

¹⁰ Alexander III. in the year 1184 (see the *Ordinatio Regum Franciae et Angliae* of the same date in *Mansi* xxii. 485) was the first to grant to those quicunque eleemosynam, quae ordinata est ad subventionem terrae Hierosolymitanae, transmiserunt, de injuncta poenitentia veniam, to wit si in poenitentia fuerint, quae septem annos excedat, trium annorum veniam, otherwise duorum annorum etc. Innocentius III. lib. 1. epist. 302: Caeteros vero, qui ad opus hujusmodi exequendum aliqua de bonis suis forte contulerint, juxta muneris quantitatem, et praecipue juxta devotionis affectum, remissionis hujus participes esse censemus. Cf. lib. ix. ep. 255. and lib. xv. ep. 28 (see above, § 54. note 46.) Robertus Lincolniensis in *Matth. Paris* ann. 1253 p. 876: Inspecimus literam papalem, in qua insertum reperimus, quod testamenta condentes, vel crucem suscipientes, et subsidium terrae sanctae impendentes tantundem recipient indulgentiae, quantum pecuniae largientur. About this time plenary indulgences were also granted in return for such support in money (e. g. against Manfred, see above, § 57, note 19.) But from the time of Gregory IX. there began a yet more shameful traffic in absolutions from the crusaders' vow, see *Matth. Paris* above, § 55, note 27. Compare the Troubadour Guillem. Figueira about 1244 (in *F. Diez* *Leben und Werke der Troubadours* S. 564): Rome, thou gnawest at the flesh and bones of simple people, thou drawest them hungerbitten down with thee to the tomb: thou steppest all too far over the boundaries of God: thy greed of gain is so great that thou pardonest sin for money: thou art loading thyself O Rome with a burden of shame. Compare in *Peire Cardinal* about 1220 (in *Millot* iii. 243) the reflexions on the maxim (borrowed from *Daniel* iv. 24) (? 27. Translator), que l'aumône rachete tous les péchés. Les riches auroient donc plus de facilité pour le salut que les pauvres, l'argent seroit plus puissant que le diable et que Dieu même, et les prières ne serviroient de rien!

¹¹ When a rose blessed by the Pope had been presented to a church in Aix, Innocent IV. granted indulgence to all persons who confess

protection, offered peculiar indulgences with trifling demands, and professedly fraught with the most effectual operation:¹² and at the end of this period of time, in the year 1300, Boniface VIII. establisht the year of jubilee,¹³ in which the most complete for-

there (Baluz. Miscell. i. 224): Urban IV. granted the same to all who should listen to the same sermon with the King of France (Guil. Nangis p. 418), see Raumer Gesch. d. Hohenstaufen vi. 208.

¹² See with especial reference to the indulgence at Portiuncula above, § 69, note 9.

¹³ Boniface's Bull dd. viii. Kal. Martii 1300 in Raynald. ad h. a. and Extravagantes communes lib. v. tit 9. c. 1 (in Boechneri corp. jur. can. ii. 1193): Antiquorum habet fida relatio, quod accidentibus ad honorabilem basilicam principis Apostolorum de urbe, concessae sunt remissiones magnae et indulgentiae peccatorum. Nos igitur—hujusmodi remissiones et indulgentias omnes et singulas ratas et gratas habentes, ipsas auctoritate apostolica confirmamus et approbamus, ac etiam innovamus, et praesentis scripti patrocinio communimus. Ut tamen beatissimi Petrus et Paulus Apostoli eo amplius honorentur, quo ipsorum basilicae de urbe devotius fuerint a fidelibus frequentatae, et fideles ipsi spiritualium largitione munerum ex hujusmodi frequentatione magis senserint se refectos; nos de omnipotentis Dei misericordia, et eorundem Apostolorum ejus meritis et auctoritate confisi, de fratrum nostrorum consilio et apostolicae plenitudine potestatis, omnibus in praesenti anno millesimo trecentesimo a festo nativitatis Domini nostri J. C. praeterito proxime inchoato, et in quolibet anno centesimo secuturo, ad basilicas ipsas accedentibus reverenter, vere poenitentibus et confessis, vel qui vere poenitebunt et confitebuntur, in hujusmodi praesenti et quolibet centesimo secuturo annis, non solum plenam, sed largiorem, immo plenissimam omnium suorum concedimus veniam peccatorum: statuentes, ut, qui voluerint hujusmodi indulgentiae a nobis concessae fore participes, si fuerint Romani, ad minus triginta diebus continuis vel interpolatis, et saltem semel in die: si vero peregrini fuerint aut forenses, modo simili diebus quindecim ad basilicas easdem accedant. Unusquisque tamen plus merebitur, et indulgentiam efficacius consequetur, qui basilicas ipsas amplius et devotius frequentabit. On the occasion and celebration of this jubilee, see Jacobi s. Gregorii ad velum aureum diaconi Cardinalis (Jacobus Caietan, a nephew of Boniface VIII.) de centesimo seu Jubilaeo anno liber (Bibl. PP. Lugd. xxv. 936, and in abstract in Raynald. ann. 1300 no. 1 ss.):ANCEPS et paene citra opinionis fidem de proximo nunc futuro centesimo, cum millesimum trecentesimum prae foribus occursurum monebamur, ad Rom. Pontificem delatus rumor advenerat: qui tantam ejus fore anni vim, ut, quo Romani ad principis Apostolorum Petri basilicam pergentes omnium plenissimam peccatorum dilutionem sortirentur, polliceretur. Hinc vetustorum revolve librorum monumenta pius pater edixit: quibus ejus quod quaerebatur nec ad plenum in lucem venit cognitio, forsitan—ex desidia, seu ex—libris deperditis, seu quia nec tantum veritatis ut opinionis suberat.—Centesimus oritur. Mira res! tota paene prima

givenness of sin was to be guaranteed in return for small contributions in money. The abuse was made still worse by the fraud, which was very soon introduced into this traffic.¹⁴

Januarii die novellae mysterium remissionis occubuit : proclivo vero in vesperam sole—Romani frequentes ad sacram b. Petri basilicam properant, oppressi altaria stipant, alternatimque se (ut vix accedere fas esset) impediunt, tanquam ea brevi finienda die exspirari gratiam vel majorem autumarent. Then there streamed in hither other pilgrims also—men believed primo centesimi die omnium culparum sordes deleri, caeteris annorum centum indulgentiam fore. Soon after nec vivus praeteritorum defuit testis, an old man of 107 years, who declared before the Pope, meminisse, patrem alio centesimo Romae, quousque, quem secum detulit agricola, suilecit victus, ob indulgentiam moratum, seque admonuisse, ut—venturo centesimo Romae nequaquam puer adesse pigritaret, who also protested withal, unaquaque ejusdem anni die illic centum annorum indulgentiam lucriferi posse. Thus the Pope was induced to issue that Bull.

¹⁴ Richardus de s. Germano ad ann. 1225 : Honorius III. indulgentiam Saracenisci, quae ex longiturnitate temporis satis inoleverat, tanquam falsam cassavit, et irritam per suas literas denunciavit pariter et inanem : pro eo quod Clerici loci ejusdem dabant accidentibus ad ipsam Ecclesiam remissionem peccatorum, facientes eis intelligi, quod ita de peccatis omnibus emundati recederent, sicut pertica quaedam, quam ostendebant eis cortice emundatam. The Franciscan Berthold speaks thus zealously (see above § 80, note 6) against the vendors of indulgence (in Kling's *Ausg.* s. 384) : "They are newly sprung up : for when I was a little child there was never a one of them. They are called penny-preachers ; the devil has no more favourite servants. For one of these goes out among the simple folk, and preaches and shouts, till all weep who stand before him. And he says, he has power from the Pope, to take off all thy sins for one mite. And he lies, saying that man is thereby made free from sin before God ; thus he crowns the devil every day with many thousand souls. Ye must give him nought : ye must stand off from the fraud. The while ye are giving to him, he is selling you to eternal death. And they slay you, and turn you away from true repentance, which God has hallowed, so that ye never may will to repent." Conc. Provinc. Mogunt. ann. 1261 c. 48 (Mansi xxiii. 1102) : Contra Quaestuarios maledicos, quibus ob monstrosos turpis quaestus abusus sic incanduit orbis odium, qui, utpote homines pestilentes, suaque nequitia merito odiosi, ita se reddiderunt exosos, quod adversum eos constrepit omnis linguae conquestio querulosa.—Illi profanissimi pro reliquiis saepe exponunt ossa profana hominum, seu brutorum, et miracula mentiuntur, causasque petitionum suarum mendose confectas, effusis lacrimarum profluviiis, ad quas habent oculos eruditos, et extenuatis facibus cum clamoribus validis, et gestibus miserandis sic motive proponunt, tanque indulgentiarum numerositatem contra statutum generalis Concilii, et relaxationem peccaminum pollicentur ; quod vix est aliquis, etiam ipsorum agnosceus nequitias,

However the Aristotelian divines of the 13th century, readily entered on the task of vindicating dogmatically this most monstrous of all Papal pretensions. Alexander of Hales and Albert the Great invented the doctrine of the *Thesaurus supererogationis perfectorum*,¹⁵ out of which, by virtue of the power of the keys,

qui se a subventionem eorum valeat continere. Ex quo vilescunt claves Ecclesiae,—cum pauci sint, qui subire velint aliquam poenitentiam etiam impositam a proprio sacerdote, credentes,—se a peccatis per hujusmodi indulgentias absolutos. Ad hæc iidem Quaestuarii male taliter acquisita pejus Ecclesiis subtrahunt, quarum intuitu conferuntur; ex quo sacrilegii crimen incurrunt, dum male acquisita, pejus subtracta, pessime dissipant, et consumunt in commensationibus, ebrietate, ludis et luxuriis. These Quaestuarii were to be delivered over prisoners to the Bishop. Quod si Ecclesia—eleemosynas decreverit requirendas, sacerdotibus dioecesis illius cartulae dirigantur, necessitatem Ecclesiae et quantitatem indulgentiae continentes, ut juxta hoc ad subventionis subsidium suos populos exhortentur. They were to transmit the money collected. Unaquaqueque etiam dioecesis suorum populorum eleemosynis sit contenta, nec jure alterius imploret auxilium. Urban IV. granted to the Inquisitors in 1262, in the Bull, *Licet ex omnibus* (Bullar. magn. in Urb. IV. no. 2) § 14: compescere praedicatores quaestuarios a praedicationis officio, quod ad ipsos nullatenus pertinet, quorum interest tantum caritativa subsidia simpliciter petere, ac indulgentiam, si quam forte habent, exponere. Humbertus de Romanis de his quae tractanda videbantur in Conc. Lugd. anni 1274 (see above § 58, note 4) lib. iii. c. 8 in Brown app. ad fasciculum rerum expetendarum et fugiendarum p. 227: Circa quaestuarios praedicatores, qui fere totam Dei Ecclesiam ubique terrarum inficiunt, et sunt scandalo toti mundo. sunt tot reprehensibilia, quod non facile potest dici: sunt enim pro maxima parte personae inhonestae et infames. Item corrumpunt Praelatos, et Officiales, et Archipresbyteros, et Presbyteros adeo suis servitiis, quod dimittunt eos facere et dicere quaecunque volunt. Item habent brevia, quae relinquunt in singulis parochiis, in quibus continentur tot indulgentiae, quod mirantur boni viri, si unquam de conscientia Papae vel etiam alicujus boni viri potuerunt illa procedere. Item exponunt illa simplicibus malo modo. Item multa adquirunt, et pauca veniunt ad domos pro quibus fiunt: quia vel multa ultra modum consumunt, vel etiam emunt illas quaestas (those undertakings of indulgences, in other words the right to preach the indulgence) pro modico [*leg. immodico*] pretio. Item multa mendacia consueverunt dicere et de reliquiis et de indulgentiis, et quod supremum malum est, ista et alia mala multa eorum jam ita versa sunt in ludum et risum, quod vix est aliquis, qui super hoc doleat vices Christi.

¹⁵ While Raymundus de Pennaforti *Summa de poenit.* lib. iii. c. 63, as the earlier writers had done (above note 7), grounds the virtue of the indulgence only on the orationes, and suffragia Ecclesiae.—Alex. Hales. *Summa P.* iv. qu. 23. art. 1: Dicunt aliqui, quod fiunt relaxationes quantum ad forum Ecclesiae, sed non quantum ad forum Dei.

not only the temporal penalties of the living for sin, but agreeably to the extension of the power of the keys over the dead¹⁶

Sed haec positio nulla videtur: quia, si Ecclesia relaxat et non Deus, magis esset deceptio quam relaxatio, et crudelitas quam pietas: quia tunc ad diminutionem poenae praesentis sequeretur incomparabiliter gravior in foro Dei. Propter hoc aliter dici potest, quod fiunt etiam in foro Dei, quia Deus habet pro relaxato, quod Ecclesia relaxat. Art. 2. membr. 1: Si loquamur de poena satisfactoria, secundum quod est medicamentum, sic non valet satisfactio unius pro altero. Si loquamur de illa, secundum quod est pretium, sic valet, et hoc modo potest unus satisfacere pro alio. Sed oportet, quod fiat auctoritate Superioris. Membr. 3: Indulgentiae et relaxationes fiunt de meritis supererogationis membrorum Christi et maxime de supererogationibus meritorum Christi, quae sunt spiritualis thesaurus Ecclesiae. Hunc autem thesaurum non est omnium dispensare, sed tantum eorum, qui praecipue vicem Christi gerunt, i.e. Episcoporum. Membr. 6: Praeexistente poena debita et sufficientis contritionis, potest summus Pontifex totam poenam debitam peccatori poenitenti dimittere: non tamen debet, nisi ex magna causa. Ad illud, quod objicitur, quod aut Deus punit, aut homo potest dici, quod, quando dominus Papa dat plenam indulgentiam, ipse punit obligando Ecclesiam aut aliquod membrum Ecclesiae ad satisfaciendum: vel potest dici, quod thesaurus Ecclesiae, qui exponitur pro satisfactione indulgentiarum, habetur principaliter ex meritis Christi: unde potest dici, quod Deus punit mala, ut Deus et homo patiando et satisfaciendo pro nobis.—Albertus Magnus in Sent. lib. iv. dist. 20, art. 16: Indulgentia sive relaxatio est remissio poenae injunctae ex vi clavium et thesauro supererogationis perfectorum procedens. Art 17: Dicendum, quod tres opiniones antiquitus fuerunt circa indulgentias. Quidam enim dixerunt, indulgentias omnino nihil valere, et esse eas piam fraudem, qua mater decipiendo pueros suos provocat ad bonum, scilicet peregrinationem, et eleemosynas, et auditum verbi Dei et hujusmodi. Sed isti ad ludum puerorum distrahunt facta Ecclesiae, et hoc fere sapere haeresin puto. Ideo alii, plus quam oportuit contradicentes, dixerunt, quod simpliciter sicut pronunciantur indulgentiae, ita valeant sine omni alia conditione intellecta vel dicta. Sed quia isti nimis bonum forum dant de misericordia Dei, ideo tertiae opinioni mihi assentiendum videtur.—scil. quod indulgentiae valent, sicut eas valere praedicat Ecclesia. Sed sex exiguntur conditiones, quae suppositae sunt vel dictae ab Ecclesia. Duae autem sunt ex parte dantis, quarum prima est dantis auctoritas, alia est pia causa.—Alia duo praesupponuntur ex parte recipientis, scil. quod sit contritus et confessus in voto, et quod habeat fidem, quod hoc sibi possit fieri per clavium potestatem: et ideo semper (?) in literis indulgentiarum continetur: *omnibus contritis et confessis*. Alia duo exiguntur ex parte gratiae vel Ecclesiae, in qua fit remissio, scil. abundantia thesauri meritorum, de quibus supra, et justa aestimatio solutionis ejus, pro qua indulgentia est instituta.

¹⁶ Compare Part I, § 35, note 11; above § 73, note 27. Innocentius

long ere now establisht, the penalties also of men suffering in purgatory were discharged.¹⁷ Thomas Aquinas completed this Theory.¹⁸ Accordingly religious foundations and monasteries

III. Decretal. Greg. lib. v. tit. 39, c. 28: *Quantumcunque se quis juramento praestito, quod Ecclesiae mandato pareret, humiliare curaverit, quantacunque poenitentiae signa praecesserint; si tamen morte praeventus absolutionis non potuerit beneficium obtinere; quamvis absolutus apud Deum fuisse credatur: nondum tamen habendus est apud Ecclesiam absolutus. Potest tamen et debet ei Ecclesiae beneficio subveniri, sic ut, si de ipsius viventis poenitentia per evidentia signa constiterit, defuncto etiam absolutionis beneficium impendatur.* cf. Henricus Hostiensis below note 17.

¹⁷ Alex. Halesius P. iv. qu. 23, art. 2, membr. 5: Probabiliter et verissime praesumitur, quod illis, qui sunt in purgatorio, potest Pontifex facere indulgentias. Nota tamen, quod plura requiruntur ad hoc, quod debito modo fiat indulgentia: scil. potestas clavium ex parte conferentis; ex parte ejus, cui confertur, caritas, credulitas, devotio: inter utrumque causa et modus—Potest ergo dici, quod illis, qui sunt in purgatorio, possunt fieri relaxationes secundum conditiones praedictas *per modum suffragii* sive inpetitionis, non per modum judiciariae absolutionis sive commutationis. Thus also Bonaventura in Sent. lib. iv. dist. xx. qu. 5: per modum deprecationis s. suffragii, on the contrary the canon-lawyer Henricus de Segusio (Cardinal and Episc. Hostiensis † 1271) in his *Summa utriusque juris* (Aurea summa Hostiensis) tit. de remissionibus c. 6: *Vivis tantum prosunt remissiones*, non mortuis. Sicut enim membrum corporale putridum vel resecatum vel mortuum non potest nutriri vel vivificari cibo corporali, sic nec membrum spirituale corporis Christi cibo spirituali: licet alia suffragia Ecclesiae mortuis prosint, quia caritas sola prodest in purgatorio sed potestas clavium non habet ibi locum. Nec obstat, quod Ecclesia solvit et ligat post mortem: quia ibi fit absolutio ad consolationem vivorum, et absolvitur mortuus, i.e. antequam inoreretur, absolutus fuisse per contritionem monstratur, vel declarat Ecclesia, quod omnes pro excommunicato mortuo libere orent. cf. Thomas suppl. p. iii. qu. 71, art. 10, below note 18.

¹⁸ Thomas in Summa suppl. p. iii. qu. 25, (i.e. Comm. in Sent. lib. iv. dist. 20, qu. 1, art. 3) art. 1: Indulgentiae valent et quantum ad forum Ecclesiae, et quantum ad iudicium Dei, ad remissionem poenae residuae post contritionem et absolutionem et confessionem, sive sit injuncta sive non. Ratio autem, quare valere possunt, est unitas corporis mystici, in qua multi in operibus poenitentiae supererogaverunt ad mensuram debitorum suorum, et multas etiam tribulationes injustas sustinuerunt patienter, per quas multitudo poenarum poterat expiari, si eis deberetur. Quorum meritorum tanta est copia, quod omnem poenam debitam nunc viventibus excedunt, et praecipue propter meritum Christi: quod etsi in sacramentis operatur, non tamen efficacia ejus in sacramentis includitur, sed sua infinitate excedit efficaciam sacramentorum. Dictum est autem supra, quod unus pro alio satis-

facere potest. Sancti autem, in quibus superabundantia operum satisfactionis invenitur, non determinate pro isto, qui remissione indiget, hujusmodi opera fecerunt (alias absque omni indulgentia remissionem consequeretur), sed communiter pro tota Ecclesia: sicut Apostolus ait, *se adimplere ea quae desunt passionum Christi in corpore suo pro Ecclesia*, ad quam scribit Col. 1. (v. 24): et sic praedicta merita sunt communia totius Ecclesiae. Ea autem, quae sunt alicujus multitudinis communia, distribuuntur singulis de multitudine, secundum arbitrium ejus, qui multitudini praeest. Unde sicut aliquis consequeretur remissionem poenae, si alius pro eo satisfacisset: ita si sibi satisfactio alterius per eum qui potest distribuatur. Art. 2. *Utrum indulgentiae tantum valeant quantum pronunciantur?* Circa hoc est mutiplex opinio. Quidam enim dicunt, quod hujusmodi indulgentiae non tantum valent, quantum praedicantur: sed unicuique tantum valent, quantum fides et devotio sua exigit. Sed dicunt, quod Ecclesia ad hoc ita pronunciat, ut quadam pia fraude homines ad bene faciendum alliciat: sicut mater, quae promittens filio pomum, ipsum ad ambulandum provocat. Sed hoc videretur esse valde periculosum dicere etc.—Et ideo alii (Albertus M. lib. iv. dist. 20. art. 17 see above note 15) dixerunt, quod tantum valent quantum pronunciantur, secundum justam aestimationem, non tamen dantis indulgentiam,—aut—recipientis,—sed secundum justam aestimationem, quae justa est secundum judicium bonorum, pensata conditione personae, et utilitate, et necessitate Ecclesiae: quia uno tempore Ecclesia plus indiget, quam alio. Sed haec etiam opinio stare non potest, ut videtur. Primo quia secundum hoc indulgentiae non valerent ad remissionem, sed magis ad commutationem quandam. Et praeterea praedicatio Ecclesiae a mendacio non excusaretur: cum quandoque indulgentia praedicetur longe major, quam justa aestimatio possit requirere, omnibus praedictis conditionibus pensatis.—Et ideo aliter dicendum est, quod quantitas effectus sequitur quantitatem suae causae. Causa autem remissionis poenae in indulgentiis non est nisi abundantia meritorum Ecclesiae, quae se habet sufficienter ad totam poenam expiandam: non autem causa remissionis effectiva est vel devotio, vel labor, vel datum recipientis indulgentiam, aut causa, pro qua fit indulgentia. Unde non oportet ad aliquid horum proportionare quantitatem remissionis, sed ad merita Ecclesiae, quae semper abundant: et ideo secundum quod applicantur ad istum, secundum hoc remissionem consequitur. Ad hoc autem, quod applicantur isti, requiritur auctoritas dispensandi hujusmodi thesaurum, et unio ejus, cui dispensatur, ad eum, qui merebatur (quod fit per caritatem), et ratio dispensationis, secundum quam salvetur intentio illorum, qui opera meritoria fecerunt.—Unde quaecunque causa adsit, quae in utilitatem Ecclesiae et honorem Dei vergat, sufficiens est ratio indulgentias faciendi. Et ideo secundum alios dicendum, quod indulgentiae simpliciter tantum valent, quantum praedicantur, dummodo ex parte dantis sit auctoritas, et ex parte recipientis caritas, et ex parte causae pietas, quae comprehendit honorem Dei et proximi utilitatem. Nec in hoc fit nimis magnum forum de iusticiordia Dei, ut quidam (Albertus M. l. c.) dicunt, nec divinae iustitiae derogatur: quia nihil de poena dimittitur, sed unius poena alteri computatur.—Clavis duplex est, scil. ordinis, et jurisdictionis.

frequently made agreements, either to secure a reciprocal interest in each other's good works,¹⁹ or to obtain from the Laity

Clavis ordinis sacramentale quoddam est : et quia sacramentorum effectus non sunt determinati ab homine, sed a Deo : ideo non potest taxare sacerdos, quantum per clavem ordinis in foro confessionis de poena debita dimittatur : sed tantum dimittitur, quantum Deus ordinavit. Sed clavis jurisdictionis non est quid sacramentale, et effectus ejus arbitrio hominis subjacet : et hujusmodi clavis effectus est remissio, quae est per indulgentias, cum non pertineat ad dispensationem sacramentorum talis remissio, sed ad dispensationem bonorum communium Ecclesiae : et ideo etiam legati non sacerdotes indulgentias facere possunt. Unde in arbitrio dantis indulgentiam est, taxare, quantum per indulgentiam de poena remittatur. Si tamen inordinate remittat, ita quod homines quasi pro nihilo ab operibus poenitentiae revocentur, peccat faciens tales indulgentias : nihilominus quis plenam indulgentiam consequitur. Quaest. 71. art. 10 (from Comm. in Sent. lib. iv. dist. 45. qu. 2. art. 3) : *Utrum indulgentiae Ecclesiae prosint mortuis?* Videtur, quod indulgentiae, quas Ecclesia facit, etiam mortuis prosint. Primo per consuetudinem Ecclesiae, quae facit praedicare crucem, ut aliquis indulgentiam habeat pro se, et duabus vel tribus, et quandoque etiam decem animabus, tam vivorum, quam mortuorum : quod esset deceptio, nisi mortuis prodesse etc.—Sed contra etc.—Respondeo dicendum, quod indulgentia dupliciter alicui prodesse potest. Uno modo, principaliter : alio modo, secundario. Principaliter quidem prodest ei, qui indulgentiam accipit, scil. qui facit hoc, pro quo indulgentia datur, ut qui visitat limina alicujus Sancti. Unde cum mortui non possint facere aliquid horum, pro quibus indulgentiae dantur, eis directe indulgentiae valere non possunt. Secundario autem et indirecte pro sunt ei, pro quo aliquis facit illud, quod est indulgentiae causa : quod quandoque contingere potest, quandoque autem non potest, secundum diversam indulgentiae formam. Si enim sit talis indulgentiae forma : *Quicumque facit hoc vel illud, habebit tantum de indulgentia* : ille qui hoc facit, non potest fructum indulgentiae in alium transferre ; quia ejus non est applicare ad aliquem intentionem Ecclesiae, per quam communicantur communia suffragia, ex quibus indulgentiae valent. Si autem indulgentia sub hac forma fiat : *Quicumque fecerit hoc vel illud, ipse et pater ejus, vel quicumque alius ei adjunctus, in purgatorio detentus, tantum de indulgentia habebit* : talis indulgentia non solum vivo, sed etiam mortuo proderit. Non enim est aliqua ratio, qua Ecclesia transferre possit communia merita, quibus indulgentiae imminuntur, in vivos, et non in mortuos.

¹⁹ Compare the original documents concerning the fraternity established between the foundation of St Thomas at Leipzig and the Benedictine monastery at Pegau in the year 1297, in d. Unschuld. Nachrichten für 1719. S. 1 : Universis Fratribus vestri conventus plenariam fraternitatem et omnium Missarum, orationum, eleemosynarum, caeterorumque bonorum participationem concedimus in his scriptis, adjicientes, ut, si quispiam Fratrum vestrorum Domino recante de hoc

worldly goods, in return for the grant of an interest in their Spiritual treasures.²⁰

In proportion as it now appeared to have become more easy, to obtain the commutation of everlasting, to temporal punishment in the confessional, and remission of this last by indulgence : so much the less could the deeper spirits rest contented with this kind of pardon. Accordingly penance by scourging did not only continue, but was practised in the 13th century more universally and more severely than ever. The great pilgrimage of Flagellants, which started from Perugia in the year 1260, gave it a fresh and powerful impulse.²¹ Well nigh the whole of Upper Italy

saeculo migraverit, cum cartula de ejus obitu conscripta ad nos pervenerit,—per XXX continuos dies in Vigiliis et in Missis animarum ejus momoriam peragemus, tanquam unius de Ecclesia nostra fratris, tali conditione adjecta, ut in vestra Ecclesia similiter nobis fiat. Likewise the houses of St Stephen in Mayence and St Cunibert in Cologne agreed in the year 1239, Würdtwein diocesis Mogunt. in archidiaconatus distincta i. 236.

²⁰ On the earlier grants ad redimenda peccata see part i. § 35. note 4 and 5, Otto II., Margrave of Brandenburg, in a deed issued for the Cathedral Church at Stendal in the year 1209 (in Lenz Brandenburg. *Urkundensamml.* I. 12) expresses naively the opinion, which might often be adopted by the Laity, as a ground of action : *Per eleemosynarum largitates et orationum continuarum devotiones, per jejuniorum macerationes, per vigiliarum sine taedio continuationes et aliorum bonorum operum instantias aeternae vitae consortium adipisci debet. Quia vero nobis omnium istorum facilitatem naturae nostrae debilitas negavit, et petulantia, quae juvenibus fervidae aetatis domestica solet esse, semper suadet in contrarium; necessitati salutis nostrae in hoc consulere decrevimus, quatenus illud per alienos obtineamus labores, quod propriis non valeamus etc.* A timely impulse was given to this natural bent by the compacts which now came into use. Thus Henry, notary at Vienna, and his wife, in the year 1298, bequeathed *Abbati et conventui Ecclesiae s. Mariae Scotorum Viennae, qui plenam nobis in Domino largiti sunt confraternitatem, facientes nos participes omnium bonorum, quae omnipotenti Deo exhibita fuerint per eosdem,—omnes nostras possessiones etc.* see Hormayr's *Wiens Gesch.* Bd. 2. Heft 1. S. lxiii.

²¹ *Monachi Patavini chron. lib. iii. (written about 1270, in Muratori scriptt. rer. Ital. viii. 712) : Sub praecedenti annorum curriculo, cum tota Italia multis esset flagitiis et sceleribus inquinata, quaedam subitanea compunctio, et a saeculo inaudita, invasit primitus Perusinos. Romanos postmodum, deinde fere Italiae populos universos. In tantum itaque timor Domini irruit super eos, quod nobiles pariter et ignobiles, senes et juvenes, infantes etiam quinque annorum, nudi per plateas civitatum, operitis tantumdem pulendis, deposita verecundia, bini et bini*

was filled for some time with Flagellants wandering from place to place. The example spread even over the Alps as far as into Hungary, but it was quickly suppressed, as fraught with danger to Church and State.²²

§ 85.

SYNODAL JUDICATURE.

Ant. Schmidt diss. de Synodis archidiaconalibus et archipresbyteralibus in Germania (in ejusd. thesaurus juris eccles. iii., 314.) Kopp's Nachr. v. d. Verfassung der geistl. u. Civilgerichte in den Hessen-Casselischen Landen Cassel 1769. 1, 140. F. J. Bodmann's Rheingauische Alterthümer. Mainz 1819. 4. S. 854 ff.

The Synodal Tribunals graduated according to rank into Episcopal Archdiaconal, and Archpresbyteral Synods,¹ were in

processionaliter incedebant: singuli flagellum in manibus de corrigiis continentes, et cum gemitu et ploratu se acriter super scapulis usque ad effusionem sanguinis verberantes; et effusis fontibus lacrymarum, ac si corporalibus oculis ipsam Salvatoris cernerent passionem, misericordiam Dei et genetricis ejus auxilium implorabant: suppliciter deprecantes, ut qui in innumeris poenitentibus est placatus, et ipsis iniquitates proprias cognoscentibus parcere dignaretur. Non solum itaque in die, verum etiam in nocte cum cereis accensis, in hyeme asperrima, centeni, mileni, decem millia quoque per civitatis Ecclesias circumibant, et se ante altaria humiliter prosternebant, praecedentibus eos sacerdotibus cum crucibus et vexillis. Similiter in villis et oppidis faciebant, ita quod a vocibus clamantium ad Dominum resonare videbantur simul campestria et montana.—Super ista vere poenitentia repentina, quae ultra etiam fines Italiae per diversas provincias est diffusa, non solum viri mediocres, sed et sapientes non irrationabiliter mirabantur, cogitantes, unde tantus fervoris impetus proveniret: maxime cum iste modus poenitentiae inauditus, non fuisset a summo Pontifice institutus, qui tunc Anagninae residebat, nec ab alienius praedicatoris, vel auctorabilis personae industria vel facundia persuasus, sed a simplicibus sumsit initium, quorum vestigia docti pariter et indocti subito sunt sequuti. Compare the description in the annals of Herman, Abbot of Lower Altaich. (†1275), in J. F. Böhm's fontes rerum German. ii. 516. Dr E. G. Förstemann's die christl. Geisslergesellschaften, Halle 1828. S. 18. On their songs, and their agreement with those of the Flagellants of 1349, see Hoffmann's Gesch. d. deutschen Kirchenliedes s. 81. The comparison of the Perugians of 1260 and 1282 leads to remarkable reflexions, see below § 86. note 3.

²² Förstemann S. 39 ff., and other places.

many ways a grievance to laymen ;² especially after they began to impose fines.³ Accordingly many communities endeavoured

¹ According to the *Sachsenspiegel* Bk. 1. art. 1 the men in high office were to plead in the Bishop's Synod (cf. Engelberti Archiep. Colon. statuta in Conc. Colon. ann 1266 c. 14. in Mansi xxiii. 1141 : *nobiles—ad nostram Synodum noscuntur specialiter pertinere*), the holders of office, who had property of their own, in that of the cathedral-provost, i. e. the Archdeacon, the occupiers of land, who had no property of their own, in that of the Archpresbyter. In the district of Mayence, the Archpriests held their Synod annually in their own circuit, the Archdeacon every leap year in his archidiaconate. The archiepiscopal synod was changed in the 13th century into a standing tribunal under the name of the Judge of the Holy See at Mayence. See Bodmann s. 851. 854. 857.

² On the costly maintenance of the synods see Bodmann s. 856.—Joester Stadtrecht aus dem 12. Jahrh. (in Emminghaus memorab. Jusat. docum. P. iii. num. 2. p. 121) : *Synodus vero sine cavillatione et captiositate est tenenda. Quemcunque Scabinum, quod Eytswere Synodal-witnesses, Synodal-judges) dicitur teutonice, burgenses statuerint, ipsum Praepositus acceptabit.*

³ So early as 1149 Henry, Archbishop of Mayence, determined, *de iustitia s. Martini in Södel* (in Gudenus cod. dipl. i. 193) : *Archipresbyter Synodum celebraturus secum duos adducet clericos.—Questum ero synodaliū judiciorum in tres partietur portiones, unam sibi, duas fratribus.* Alexander III. ad Cantuar. Archiep. in the year 1180 *Deer. Greg. lib. v. tit. 37. c. 3*) censured the fines in money : *Accepimus quod Archidiaconi Conventrensis episcopatus pro corrigendis excessibus, et criminibus puniendis, a clericis et laicis poenam pecunariam exigunt.—Mandamus, quatenus—hoc districtius interdicamus anocentius III. lib. i. ep. 420, allowed them, and thus arose in Germany the persuasion expressed in the *Sachsenspiegel* Bk. iii. art. 63.*

the *Schwabenspiegel* cap 2, that Constantine granted to Pope Silvester the power of inflicting fines to the amount of 60 shillings. In the case of those trades, in which certain irregularities, for instance working on Sundays and festivals, were commonly practised, this fine was generated into an annual present to the members of the Synod. Compare the agreement between the archpriest of Mayence, who held the synod in the city, and the magistrate there, in the year 1300, in *Würdtwein dioecesis Mogunt. in Archidiaconatus distincta i. 20* : *stitutores et eorum collegae pro eo quod in festis Sanctorum, quorum vigiliæ non jejuntur, ipsorum mercimonia licite exponunt, Archipresbytero singulis annis quatuor solidos denariorum Moguntinorum in festo b. Thomae Apostoli—dare et solvere tenebuntur. The corduanarii, cerdones, sive Wizgerwer et Rintwarcer, each paid in festo b. Andreæ unum denarium Moguntinensem : si vero dicti calcifices et cerdones in festis Sanctorum, quorum vigiliæ jejuntur, exposuerint res venales, festo domino Archipresbytero singuli quilibet hospes unum obulum Moguntinensem dabunt, quotiens exposuerint res suas ad vendendum.—eternum nec Archipresbyter, neque sui nuncii vel scriptores, dictorum*

to fetter their jurisdiction by the help of secular power,⁴ or else to set themselves altogether free.⁵

§ 86.

ECCLESIASTICAL PENALTIES.

Planck's *Gesch. d. Kirchl. Gesellschaftsverf.* Bd. 4. Abschn. 2. s. 272 ff.

Raumer's *Gesch. d. Hohenstaufen.* Bd. 6. s. 209 ff.

From the time of Gregory VII. in the unbroken continuous warfare of the priesthood against secular power, Ban and

calcificum vel cerdonum hospitia pro factis seu laboribus inquirendis, quos in domibus exercent, ullatenus destinabit. — Item superiores macellarii sive carnifices, ac inferiores, domini Archipresbyteri synodum minime frequentabunt, et pro eo praedicti superiores macellarii ipsi domino Archipresbytero quatuor solidos,—inferiores—quatuor solidos—solvent. Besides this each of them was to pay annually unum Rintschenkel aut frustum carnis aequivalens, et pro eo in festis quibuscunque mactare pecora seu pecudes bene possunt.—Insuper pro carnibus rancidis aut alias vitiosis—ipse Archipresbyter praedictos carnifices impetere per sententiam aliquam non valebit, sed magister forensis, qui Markmeyster vulgariter dicitur, eosdem carnifices impetere poterit super eo ac etiam judicare. Deinde superiores carnifices ipsi Archipresbytero unum solidum Moguntinensem et duas scapulas, nec non inferiores macellarii quatuor scapulas cum quatuor solidis Mogunt. in septimana Parasceues solvere tenebuntur, et pro eo ipsis carnificibus omnibus et mulieribus quibuscunque sepum (Fat), lardum et sanguinem vendentibus haec gratia est indulta, et jure consuetudinario et a tempore ejus non extat memoria legitime approbata, quod praedictas mulieres seu carnifices per sententias aliquas non impetet vel contrariabit. Similar regulations follow with regard to the fishermen, whetters, bakers, weavers, gardeners, &c.

⁴ The city of Ghent claimed the privilege of being compelled to allow the Synod once only in every four years, and then that it might punish only adulterers, incestuosos et usurarios publicos, and only upon an accusation by the Sheriffs. In like manner other towns, also in Flanders, endeavoured to fetter the Synod, Warnkönig's *flandr. Staats-u. Rechtsgesch.* i. 436.

⁵ For instance in Mayence several trades, see note 3. Thus Otto Duke of Brunswick, in the statutes of the town of Minden ann. 1246 (see Kuchenbeckers's *Abhandl. v. den hess. Erbhofämtern* Beil. s. 9) declared this town to be free from Synodal jurisdiction: likewise Henry I. Landgrave of Hesse, with regard to the towns of Grünberg (1272) and Frankenberg (1294) see Kopp. i. 174.

interdict were so common,¹ and so often employed for causes insufficient² or positively unjust, that for this reason alone ecclesiastical punishments fell into contempt.³ Whilst the priest-

¹ Beside the wars of the Popes, the extension of ecclesiastical jurisdiction also gave occasion to this, see above § 63. note 24 ff. Afterwards the Excommunicationes latae sententiae introduced by the right of Decretals (*du Pin de antiqua Eccl. discipl. p. 269.*)

² Thus Ludolph, Bishop of Minden, in 1302, decreed (*Hartzheim Conc. Germ. iv. 591*), *quod quicumque censuales sibi—censum proven-tuum suorum statuto termino non solverint, et moniti infra xv. dies de hoc non satisfecerint competenter, incurrant excommunicationis sen-tentiam ipso facto.* Other instances may be found in Hurter, *Innocenz III. iii. 115.* Bonifacii P. viii. *constitutio v. 31.* May 1302 (in *Haeblerlin analecta mediæ ævi p. 337*): *Provide attendentes, quod, ut frequentius,—interdicti sententiae proferuntur, quodque sunt nonnulli iudices nimis prompti ad proferendas easdem, etiam in negotiis sive causis, quae interdum plus cupiditatis, quam ex caritatis radice perspi-cuis iudicii procedere arguuntur;—praesentis constitutionis providemus edicto, ut nulla civitas, castrum, villa, locus, territorium vel districtus—supponatur ecclesiastico interdicto pro pecuniario debito etc.*

³ Even Bernoldus *Const. chron. ad ann. 1100* (*Pertz monum. vii. 467*) complains: *Jam multum paene ubique sententia excommunicationis coepit tepescere.* *Chron. Erphordiense* (in *Böhmer's fontes rerum Germ. ii. 401*): at the Council held at Mayence in the year 1239 the Bishop of Eichstadt represented, *quomodo sui ministeriales ac cives Eistatenses jam fere per annum pertinaciter in excommunicatione nantes, diabolica atque haeretica praesumptione ac perversione ipsum Episcopum cum clero sibi favente crudeliter expellendo abjecissent, et aicas personas in Episcopum ac Praepositum et Decanum elegerint, ac jusdem matricis Ecclesiae sacristiam intringendo spoliaverint; quonodo etiam ipsorum errorem magnates et potentes quidam de terra oventes perniciose in malitia confortaverint, ac qualiter suos fautores, i decesserint, cum musicis instrumentis ad sepulturam conducentes, ætanter sepeliant.* The account of a contemporary writer in *Mémoriale otestatum Regiensium ad ann. 1282* (in *Muratorii scriptt. rer. Ital. iii. 1151*) shows to what extent this prevailed in the 13th century, particularly in Italy. *Eodem anno Perusini praeparaverunt se, ut vent ad devastandum Fuliginum. Et misit Papa dicendo, quod nullo modo irent: alioquin excommunicaret eos. Erat enim Fuliginum ex orto s. Petri. Et non dimiserunt Perusini propter hoc, quin irent. verunt igitur, et destruxerunt totum episcopatum illius civitatis usque l foveas. Excommunicati fuerunt; sed indignati ex hoc, fecerunt apam et Cardinales de paleis, et traxerunt eos per totam civitatem yprobrose, et traxerunt eos ad quemdam montem, et in cacumine ontis combusserunt Papam indutum de Rubeo et al. Cardinales combus-serunt similiter, dicendo: *Iste est talis Cardinalis, et iste talis.*—icolaus Ep. Botrontinensis, who has described as an eye-witness the*

hood was thus compelled on the one side to mitigate the operation of these penalties in the Church;† every method was tried on the other side to aggravate their disadvantageous political conse-

iter italicum of Henry VII., records (Muratori ix. 903) that even in the King's Council it was determined (in the year 1311) to ask the Cardinal-Legate who accompanied him, si ipse posset virtute suae auctoritatis ponere sententiam excommunicationis contra illos, qui nolent obedire, quod requireretur. Ego missus ad dominum Legatum. Copiam suae literae mihi dedit, quae plenissima ad omnia ista facienda erat. Ipse mihi dixit secrete, et voluit quod domino Regi dicerem, quomodo parum Italici curant de excommunicationibus alicubi. Et posuit exemplum de Florentinis, qui sententias domini Ostiensis parum curaverunt. Item de Bononiensibus, qui sententias domini Napoleonis vilipenderunt. Item domini de Peregrue sententias Mediolanenses non curaverunt. Unde nisi gladius materialis eos ducat ratione timoris ad obedientiam, gladius spiritualis non.

† In the case of the Ban for instance: Gregory VII. in Conc. Rom. ann. 1078 (Mansi xx. 506. in Gratian. P. ii. caus. xi. qu. 3. c. 103): Quoniam multos—pro causa excommunicationis perire quotidie cernimus, partim ignorantia, partim nimia simplicitate, partim timore, partim etiam necessitate; devicti misericordia, anathematis sententiam ad tempus, prout possumus, opportune temperamus. Apostolica itaque auctoritate ab anathematis vinculo hos subtrahimus; videlicet uxores, liberos, servos, ancillas, seu mancipia, necnon rusticos servientes, et omnes alios, qui non adeo curiales sunt, ut eorum consilio scelera perpetrentur, et eos, qui ignoranter excommunicatis communicant, sive illos, qui communicant cum eis, qui excommunicatis communicant. Quicumque autem orator, sive peregrinus, aut viator in terram excommunicatorum devenerit, ubi non possit emere, vel non habeat unde emat, ab excommunicatis accipiendi licentiam danus. Et si quis excommunicatis non in sustentationem superbiae, sed humanitatis causa dare aliquid voluerit, non prohibemus. In case of Interdict: Besides the privileges granted to certain corporations (see Raumer vi. 216) Alexander III. appointed (Decret. Greg. lib. iv. tit. 1. cap. 11) baptismum parvulorum et poenitentias morientium in the time of an interdict. Innocent III. (ibid. lib. v. tit. 39 c. 43) charged the Bishop of Ferrara baptizatos pueros in frontibus consignare: Gregory IX. (ibid. c. 57): semel in hebdomada, non pulsatis campanis, voce submissa, januis clausis, excommunicatis et interdictis exclusis, Missarum solemnia celebrare, causa conficiendi corpus Domini, quod decedentibus in poenitentia non negatur. Lastly Boniface VIII. (Sexti Decretal. lib. v. tit. 11. c. 24): A nostris dudum fuit praedecessoribus constitutum, ut in terris seu locis, ecclesiastico suppositis interdicto, nulla (certis casibus et sacramentis exceptis) divina celebrarentur officia, vel ministrarentur ecclesiastica sacramenta. Quia vero ex districtione huiusmodi statutorum exerescit indevotio populi, pullulant haereses, et infinita pericula animarum insurgunt, ac Ecclesiis sine culpa earum debita obsequia subtrahuntur,—concedimus, quod tempore interdicti—non

quences.⁵ In Germany it seemed after long resistance⁶ to reach its end in view during the quarrels in the early part of the 13th century.⁷ In France, however, it could not find an entrance for

tantummodo morientes, sed etiam viventes, tam sani etiam quam infirmi, ad poenitentiam—licite admittantur, dum tamen excommunicati non fuerint.—Adjicimus praeterea, quod singulis diebus in Ecclesiis et monasteriis Missae celebrentur, et alia dicantur divina officia sicut prius, submissa tamen voce et januis clausis, excommunicatis ac interdictis exclusis, et campanis etiam non pulsatis.—In festivitatibus vero natalis Domini, Paschae, ac Pentecostes, et adsumtionis Virginis gloriosae, campanae pulsantur, et januis apertis alta voce divina officia solemniter celebrentur, excommunicatis prorsus exclusis, sed interdictis admissis.

⁵ The ecclesiastical Ban was to be immediately followed by secular outlawry: Urbanus ii. in Gratianus P. ii. caus. xxiii. qu. 5. c. 47: Non etiam eos homicidas arbitramur, quos adversus excommunicatos zelo catholicae matris ardentis, aliquos eorum trucidasse contigerit.

⁶ Eugenius P. iii. epist. ad Wibaldum Abb. ann. 1152 (in Martene ampliss. collect. ii. 553) complains on this head, quod in curia Ulmae habita malitiose in Ecclesiarum destructionem noviter est a laicis introductum,—quod qui pro rapinis et incendiis ecclesiasticis bonis illatis excommunicationi subduntur, novo judicio excommunicatos deducant (*i. e. negent*), nisi prius in laicorum judicio damnationis sententia feriantur. (From this passage Harenberg drew his materials for the year 1152 in the forged continuation of the Corveyer Annalen in his Monumentis historicis adhuc ineditis, Brunsvig. 1762, i. 72. On this forgery in general see the critical examination of the Chron. Corbejense by Hirsch and Waits, Berlin 1839. s. 98. 106. Pertz monum. Germ. vii. 2). Probably these agitations in the imperial court were the result of the Arnoldian maxims prevalent in Rome at that time, which were often enough brought forward by the Romans in their negotiations with the Emperor. (See above § 51 note 10 and 20). Nevertheless the following passage is to be found in Sachsenspiegel Buch 3. Art. 63: Bann schadet der seile, und nemet doch neymande syn liiff, und krenket neymande to lantrechte, dar en volge des Kouinges achte na, see above §. 55. not. 13.

⁷ Philip of Swabia had offered so early as 1203, *generalem legem statuam,—ut quicumque excommunicatus fuerit a domino Apostolico, in banno statim sit imperiali* (see above §. 54. not. 16.) Frederick II. granted to the German Bishops in the Confederatio of 1220 (see above § 55. not. 1) the rule (in Pertz iv. 236): *Excommunicatio non eximat eos a respondendo impetentibus, sed sine Advocatis; perimat autem in eis jus et potestatem ferendi sententias, testimonia, et alios impetendi. Et quia gladius materialis constitutus est in subsidium gladii spiritualis; excommunicationem, si excommunicatos in ea ultra sex septimanas perstitisse—constiterit, nostra proscriptio subsequetur; non revocanda, nisi prius excommunicatio revocetur.* This rule (between the years 1270 and 1285) was also adopted into the Schwabenspiegel cap. 3.

them, not even under Lewis IX.⁸ This King rather asserted the right in this country to reduce the spiritual power of punishment to its proper limits, where it allowed itself in injustice.⁹

⁸ Compare especially what his constant companion Joinville relates in his hist. de saint Louis (Collection des mémoires relatifs à l'hist. de France depuis Phil. Auguste, par Petitot. t. ii. Paris 1819. p. 185.) At one time the French Prelates came together before the King, and Guy, Bishop of Auxerre, thus address him in their name: *Sire, sachez que tous ces prelatz, qui cy sont en vostre presance, me font dire, que vous lessez perdre tout la chrestienté, et qu'elle se pert entre vos mains.* Adonc le bon Roy se signe de la croiz, et dit: *Evesque, or me dittes, commant il se fait, et par quelle raison.* *Sire, fist l'evesque, c'est pour ce qu'on ne tient plus compte des excommuniés. Car aujourd'hui un homme aymeroit mieulx mourir tout excommunié, que de se faire absouldre, et ne veult nully faire satisfaction à l'Eglise.* *Pourtant, Sire, ilz vous requièrent tous à une voiz pour Dieu, et pour ce que ainsi le devez faire, qu'il vous plaise commander à tous vos baillifz, prevostz, et autres administrateurs de justice: que où il sera trouvé aucun en vostre royaume, qui aura esté an et jour continuellement excommunié, qu'ilz le contraignent à se faire absouldre par la prinse de ses biens.* Et le saint homme respondit, que tresvolontiers le commanderoit faire de ceulx, qu'on trouveroit estre torçonniers (injurious) à l'Eglise et à son presme (*proximum*). Et l'evesque dit, qu'il ne leur appartenoit à cognoistre de leurs causes. Et à ce respondit le Roy, qu'il ne le feroit autrement. Et disoit, que ce seroit contre Dieu et raison, qu'il fist contraindre à soy faire absouldre ceulx, à quis les cleres feroient tort, et qu'ilz ne fussent oiz en leur bon droit. Et de ce leur donna exemple du conte de Bretagne, qui par sept ans a plaïdoïe contre les prelatz de Bretagne tout excommunié, et finablement a si bien conduite et menée sa cause, que nostre saint Pere le Pape les a condampnez envers icelui conte de Bretagne. Parquoy disoit, que si dès la première année il eust voulu contraindre icelui conte de Bretagne à soy faire absouldre, il lui eust convenu laisser à iceulx prelatz contre raison ce qu'ilz lui demandoient outre son vouloir: et que en ce faisant il eust grandement meffait envers Dieu et envers ledit conte de Bretagne. Après lesquelles choses ouyes pour tous iceulx prelatz il leur suffist de la bonne response du Roy; et onques puis ne ouy parler, qu'il fust fait demande de telles choses.

⁹ In the adjudication of Lewis IX. between the Archbishop and Burghers of Rheims, who had been excommunicated by him in (1235), we find (*Preuves des libertés de l'Eglise Gall. ch. xxxvi. no. 3*): *Absolventur autem dieti cives a dicto Archiepiscopo in forma Ecclesiæ, et emendabunt injurias eidem Archiepiscopo illatas de quibus isti duo (two royal commissioners) videbunt emendandum esse.*—Et si quæ excommunicationes inventæ fuerint injuste latæ, pro illis prorsus nulla fiet emenda. Thus Philip the Bold summons the Bishop of Paris before the next Parliament, because two Barons have appealed ab audientia vestra ad nostram curiam super quodam judicio tanquam a

pravo et falso dato in vestra curia (ibid. no. 4.) Thus the Parliament of Paris in the year 1303 decides on the appeal of a certain count, against the Archbishop of Lyons, who had laid his land under an interdict (ibid. no. 8), *quod temporalitas praedicti Archiepiscopi Lugdun. ad manum nostram ponetur, et tenebitur, quousque per ipsum fuerint dicta attemptata—totaliter revocata.* Thus also the *Appellations comme d'abus*, now already begin to appear, the further construction of these is due to Peter Cugnières, advocate general under Philip of Valois, J. P. Brewer's *Gesch. d. franz. Gerichtsverfassung* Th. 2 (Düsseldorf 1837), s. 40.

SEVENTH CHAPTER.

HISTORY OF THE HERETICAL SECTS.

§ 87.

IN THE TWELFTH CENTURY.

C. du Plessis d' Argentré collectio judiciorum de novis erroribus, qui ab initio duodecimi saeculi usque ad annum 1632 in Ecclesia proscripti sunt et notati. Lutet. Paris. (Tomi iii. 1728. fol.) T. I. J. C. Fuesslin's Kirchen- und Ketserhistorie der mittlern Zeit (3 Theile, Frankf. u. Leipz. 1770—74) i. 56. H. Schmid der Mysticismus des Mittelalters in seiner Entstehungsperiode. Jena 1824. s. 433 ff. Dr Chr. v. Hahn's Gesch. d. Ketser im Mittelalter, bef. im 11. 12. u. 13. Jahrh. (2 Bde. Stuttgart 1845 u. 47) Bd. 1. Gesch. d. neumanichäischen Ketser.

Whilst the Hierarchy, unmindful of its spiritual calling, was entangling itself in ceaseless warfare, in order to bring all secular power under its sway : Whilst the system of ecclesiastical doctrines, with its progressive development, was enclosing the reason with bonds ever narrowing : Whilst the means of salvation held out by the Church, were at the same time ever more and more losing their spiritual character, and their moral power, by the one-sided speculations of the Schoolmen, and also sinking to a lifeless mechanism in their administration by a coarse Priesthood which had lost all respect for morality : Lastly, whilst this tortuous Church-system, despairing of any spiritual influence, was endeavouring to win consideration for itself by continual acts of external aggression ; it could not but be, that the rebellions against the Church, which in earlier times came forward but one by one, should now be growing more numerous and more powerful. The earlier divisions in the Church employed themselves for the most part, only in speculations of the understanding : and even for this very reason the Church always succeeded. so

soon as she could adopt strong measures, in bringing back the recusants; for the interest taken in a moral conception of nearly equivalent meaning seldom remained for many generations unconquered by persecution. But there lay at the root of the opposition to the Church which now began to feel its way forward, a living moral-interest, which felt itself injured by the whole condition of the Church; and even for this very reason this opposition was rather strengthened than weakened by the bloodshed resorted to as a means to destroy it; it stood always unconquered, although the opposing parties differed widely from each other in the peculiarities of their systems, and modified them in many ways.

At the same time that two frantic enthusiasts, Tanchelm¹ who wandered about from 1115 to 1124 in the Netherlands, and Eudo

¹ With regard to him compare especially the epist. Trajectensis Ecclesiae ad Frid. Archiep. Coloniensem (in Seb. Tengnagel collect. vett. monumentorum contra Schismaticos. Ingolst. 1612. p. 368; Act. SS. Junii i. 845; d'Argentré collect. judicior. i. 11): In maritimis primum locis rudi populo et infirmioris fidei venenum perfidiae suae miscuit, et per matronas et mulierculas—errores suos paulatim spargere coepit: deinde per has conjuges etiam ipsos perfidiae suae laqueis irretivit. Nec jam in tenebris vel cubiculis, sed super tecta praedicare incipiens, in patentibus campis late circumfusae multitudini sermocinabatur: et veluti Rex concinaturus ad populum, stipatas satellitibus, vexillum et gladium praeferebantibus, velut cum insignibus regalibus, sermonem facturus, procedere solebat.—Declamabat, Ecclesias Dei lupanaria esse reputanda; nihil esse quod sacerdotum officio in mensa dominica conficeretur; pollutiones, non sacramenta nominanda; ex meritis et sanctitate ministrorum virtutem sacramentis accedere:—dehortabatur populum a perceptione sacramenti corporis et sanguinis Domini, prohibens etiam decimas ministris Ecclesiae exhiberi.—Talibus nequitiae successibus misero homini tanta sceleris accessit audacia, ut etiam se Deum diceret, asserens, quia si Christus ideo Deus est, quia Spiritum sanctum habuisset, se non inferius nec dissimilius Deum, quia plenitudinem Spiritus sui etiam accepisset. In qua praesumptione adeo illudit, ut quidam in eo divinitatem venerarentur, in tantum, ut balnei sui aquam potandam stultissimo populo pro benedictione divideret, velut sacratius et efficacius sacramentum profuturum saluti corporis et animae. Accordingly he even celebrated his espousals with the Holy Virgin. Hoc ad summam dixisse sufficiat, res divinas in tantum venisse contemptum, ut reputetur sanctior, cuicumque fuerit Ecclesia despectior. He stirred up still greater disturbances in Antwerp, which continued even after his death; so that they were obliged to call in St Norbert to their assistance, cf. Vita Norberti § 36. in Acta SS. Jun. i. 843. From the same source draws Sigeberti contin. Praemonstratensis in Pertz

de Stella or Eon,² who roved till 1148 in Brittany, perplexed the

viii. 449 (not Robertus de Monte.) U. P. Okken diss. de priva religionis christ. medio aevo inter Nederlandos progressae natura, Groningae 1846. p. 43. Hahn's Gesch. d. Ketser im Mittelalter i. 459.

² On him writes particularly Willelmus Neubrigensis (about 1197) de rebus Anglicis lib. i. c. 19 (d'Argentré i. 36): Eudo is dicebatur, natione Brito, agnomen habens de Stella, homo illiteratus et idiota, ludificatione daemonum ita dementatus, ut, cum sermone Gallico *Eon* diceretur (in a Contin. Sigeberti in Pertz viii. 389 he is called Eunus, his followers Eunitae), ad suam personam pertinere crederet, quod in ecclesiasticis exorcismis dicitur, scilicet "per *eum*, qui venturus est iudicare vivos et mortuos et saeculum per ignem." Ita plane fatuus, ut *Eon* et *eum* nesciret distinguere, sed supra modum stupenda caecitate crederet, se esse dominatorem et iudicem vivorum et mortuorum. Eratque per diabolicas praestigias tam potens ad capiendas simplicium animas, ut—seductam sibi multitudinem aggregaret, quae tota illum tanquam dominum dominorum individue sequeretur. Et interdum quidem mira velocitate per diversas provincias ferebatur: interdum vero morabatur cum suis omnibus in locis desertis et inviis, moxque, instigante diabolo, erumpebat improvisus, Ecclesiarum maxime, ac monasteriorum infestator. By help of this the common saying about this multitude may be explained; pretiose induti, splendide epulati, et in summa laetitia agere videbantur: but all this was but a fantastic appearance got up by devils, a quibus scilicet misera illa multitudo non veris et solidis, sed aëriis potius cibis in locis desertis alebatur.—Sane cum pestifer ille ita debecharetur,—saep us a Principibus ad vestigandum et persequendum eum exercitus frustra mittebatur: quaesitus enim non inveniebatur. Tandem vero fraudatus ope daemonum, cum non amplius per illum debauchari sinerentur (non enim nisi a superioribus justo Dei iudicio relaxantur), levi negotio a Remensi Archiepiscopo comprehensus est: It seems that the work of Hugo Archbishop of Rouen, composed in the year 1145, dogmatum christiane fidei contra haereticos sui temporis libb. iii. (Bibl. PP. Lugd. xxii. 1340) was aimed at him; he was, as he says in the introduction, actively engaged with the Papal Legate, Albericus Episc. Ostiensis, at Nantes in combating the heresy, quae in Armorica tunc scatebat, and composed this work by his persuasion. The heretics whom he opposed taught (lib. i. c. 11): Sacramenta solummodo prosunt scientibus, non ignorantibus, adultis prosunt, parvulis nihil conferunt. Condemnant isti baptismum parvulorum et infantium,—et dicunt: in Evangelio legitur: *qui crediderit et baptizatus fuerit, salvus erit*:—sed parvuli non credunt,—igitur baptismata parvulis non prosunt.—(c. 13). Si ex fide justificatio, et salus ex baptismo, quid credentibus et baptizatis, justificatis et salvatis confirmatio manu facta Pontificis superapposit?—(lib. iii. c. 2) De corona clericali, de hac forma regali, de hoc signo Jesu Christi haeretici questionem faciunt, maxime illi, qui a Clero deciderunt, et ad haeresim transierunt. Unde, inquirunt, unde corona haec accepit initium? Quid nobis corona haec?—(c. 4) Haeretici—tenent secum muliereulas undecunque conductas,

minds of men ; two ecclesiastics in Southern France, the Priest, Beter of Bruis³ (from 1104—1124, Petrobrusiani) and Henry,

non sub debito consanguinitatis, sed sub contubernio privatae libidinis. Dicunt, se communem in domiciliis suis vitam ducere, et more apostolico secum mulieres habere. Proponunt, quia Paulus ait : *Numquid non habeo potestatem circumducendi mulieres, sicut Cephas et alii Apostoli?* (1 Cor. ix. 5.) Igitur et nos formam apostolicae vitae servamus, qui mulieres non abjicimus. He was brought before Eugene III. in the Council at Rheims in 1148, and declared himself also here to be him, qui venturus est judicare etc.—Jussus autem ex decreto Concilii. ne pestis iterum serperet, diligenter custodiri. tempore exiguo supervixit. Petri Cantoris (Parisiensis † 1197) verbum abbreviatum (ed. G. Galopinus, Montibus 1639. 4.) p. 200 : In Remensi Concilio, praesidente Papa Eugenio, quidam Manichaeus, convictus et confessus haeresim suam, de communi decreto incarceratus est, non interfectus, non membro mutilatus, sed ne alios corrumperet, et si forte poeniteret, in carcere Samsonis, ejusdem civitatis Archiepiscopi, positus, aqua et tenui diaeta altus est donec obiret. This passage runs thus in the Codex Marchianensis (App. p. 21) : Eugenio Papa residente in Remensi Concilio praesentibus Cardinalibus, Archiepiscopis, Episcopis, et viris literatis et authenticis Euus de Steila, Britto, quadam fatua haeresi corruptus est. Et confessus dicebat se illum *Eum*, qui vivit et regnat in saecula, et quaedam alia bruta, ut brutus, dicebat et asserebat. Non tamen est ibi morti adjudicatus, sed Samson Archiepiscopus tenuit eum in vinculis, et pane et aqua vitam finivit, et sic neminem postea corruptit. According to Robertus de Monte chron. ad ann. 1148 (in Pertz viii. 498), Eudo died in turri Archiepiscopi Rhemensis, but according to Otto Frising. de gest. Frider. lib. i. c. 54 55. in the monastery of St Denys.

³ Petri Venerabilis Abb. Clun. epist. ad Arelatensem, Ebredunensem Archiepp., Diensem, Wapicensem Episcopos adv. Petrobrusianos haeret. (in M. Marrier et A. Quercetani bibl. Cluniac. p. 1117 s. and Bibl PP. Lugd. xxii. 1033.) The confutation itself was written in the lifetime of Peter of Bruis, the preface after his death, in the year 1126 or 1127 (Fuessli i. 200.) In the former (Bibl. PP. Lugd. xxii. 1035) : In partibus vestris populi rebaptizati, Ecclesiae prophanatae, altaria suffossa, cruces succensae, die ipso passionis dominicae publice carnes comestae, sacerdotes flagellati, monachi incarcerati, et ad duendas uxores terroribus sunt ac tormentis compulsi. Et harum quidem pestium capita, tam divino auxilio quam Catholicorum Principum adjutorio a vestris regionibus exturbastis : sed supersunt—membra, lethifero adhuc, sic ipse nuper sensi, veneno infecta, ad quae curanda Dei est misericordia invocanda, et vestra medicinalis diligentia adhibenda.—Anguis lubricus de regionibus vestris elapsus, immo vobis prosequentibus expulsus, ad Narbonensem provinciam sese contulit, et quod apud vos in desertis et villulis eum timore sibilabat, nunc in magnis conventibus et populosis urbibus audaciter praedicat. Putabam Alpes gelidas, et perpetuis nivibus opertos scopulos incolis vestri-

formerly a Monk of Cluny and deacon⁴ (from 1116—1148,

barbariem invexisse,—itaque agrestibus et indoctis hominum moribus [mentibus?] peregrinum dogma facilius irrepsisse. Sed hanc opinionem meam ultima rapidi Rhodani littora et circumjacens Tolosae planities, ipsaque urbs vicinis populosior expurgat, quae adversus falsum dogma tanto cautior esse debuit, quanto—doctior esse potuit. Suscepit enim—Antichristi praeambulos.—O miseri quicumque estis homines.—non multis gentibus, sed duobus tantum homuncionibus, *Petro de Bruis*, et *Heinrico* ejus Pseudo-Apostolo tam facile cessistis! In the preface, written after Peter's death, he thus states his five errors 'prima erronei dogmatis semina a Petro de Bruis per xx. fere annos sata et aucta, quinque praecipua et venenata virgulta produxerunt': *Primum* haeticorum capitulum negat, parvulos infra intelligibilem aetatem constitutos Christi baptismo posse salvari, nec alienam fidem posse illis prodesse, qui sua uti non possunt,—Domino dicente: *Qui crediderit et baptizatus fuerit, salvus erit* etc. *Secundum* Capitulum dicit, templorum vel Ecclesiarum fabricam fieri non debere, factas insuper subruí oportere, nec esse necessaria Christianis sacra loca ad orandum, quoniam aequè in taberna et in Ecclesia, in foro et in templo, ante altare vel ante stabulum invocatus Deus audit, et eos qui merentur exaudit. *Tertium* Capitulum, cruces sacras confringi praecipit, et succendi, quia species illa vel instrumentum, quo Christus tam dire tortus, tam crudeliter occisus est, non adoratione, non veneratione, vel aliqua supplicatione digna est, sed ad ultionem tormentorum et mortis ejus, omni dedecore de-honestanda, gladiis concidenda, ignibus succendenda est. *Quartum* Capitulum non solum veritatem corporis et sanguinis Domini quotidie et continue per sacramentum in Ecclesia oblatum negat, sed omnino illud nihil esse, neque Deo offerri debere decernit. In the refutation p. 1057 he quotes their own words: Nolite, o populi, Episcopis, Presbyteris, seu clero vos seducenti credere, qui sicut in multis, sic et in altaris officio vos decipiunt, ubi corpus Christi se conficere, et vobis ad vestrarum animarum salutem se tradere mentiuntur. Mentuntur plane. Corpus enim Christi semel tantum ab ipso Christo in coena ante passionem factum est, et semel, hoc est, tunc tantum, discipulis datum est. Exinde neque confectum ab aliquo, neque alicui datum est.) *Quintum* Capitulum sacrificia, orationes, eleemosynas et reliqua bona pro defunctis fidelibus a vivis fidelibus facta deridet, nec ea aliquem mortuorum vel in modico posse juvare affirmat. In the refutation he adds to this p. 1079: addunt haeretici, irrideri Deum cantibus ecclesiasticis, quia qui solis piis affectibus delectatur, nec altis vocibus advocari, nec musicis modulis potest mulceri. Hahn i. 498. Neander V. ii. 802.

⁴ Acta Episcoporum Cenomanensium cap. 35 de Hildeberto Episc. (in Mabillonii vetera analecta T. iii. p. 312 ed. ii. p. 315.) In the year 1116, Henry had attracted notice in the surrounding neighbourhood, by his severe course of life and effective preaching. Those who had seen him publice testabantur, nunquam se virum attrectasse tantae rigiditatis, tantae humanitatis et fortitudinis: ejus affatu eor etiam lapideum facile ad compunctionem posset provocari. Accordingly in Mans he

was received with honour by Hildebert, who immediately afterwards travelled to Rome, and by the clergy, as well as by the common people : Caeterum dum orationem haberet ad populum, eisdem clericis ad pedes ejus residentibus et flentibus, tali resonabat oraculo, ac si daemonum legiones uno hiatu ejus ore murmur exprimerent. Verumtamen mirum in modum facundus erat : cujus sermo ita mentibus vulgi per aures infusus haerebat, quasi recens venenum etc.—Qua haerese plebs in clerum versa est in furorem, adeo quod famulis eorum minarentur cruciatus, nec eis aliquid vendere, vel ab eis emere voluissent : immo habebant eos sicut ethnicos et publicanos. Praeterea non tantum aedes eorum obruere, et bona dissipare, sed illos lapidare aut affligere patibulo decreverant, nisi Princeps et optimates ejus—resisterent. Further still, dogmatizabat novum dogma, quod foeminae, quae minus caste vixerant, coram omnibus vestes suas cum crinibus nudae comburerent : nec quilibet amplius aurum, argentum, possessiones, sponsalia cum uxore sumeret, nec illi dotem conferret ; sed nudus nudam, debilis aegrotam, pauper duceret egenam, nec curaret, sive caste sive inceste connubium sortiretur.—Ex jussu illius plebis actio pendebat universa et affectus. Tanta auri, tanta argenti affluentia, si vellet, redundaret, ut opes omnium solus videretur possidere. Licet plane multa reciperet, tamen parcebat cupiditati, ne nimis ambitiosus videretur. Verumtamen plura sibi retinens, pauca ad restaurationem pauperum, qui incensi fuerant, conferebat. Ejus quoque admonitu multi juvenum ducebant venales mulieres, quibus ipse pannos pretio iv. solidorum emebat, quo nuditatem suam tantummodo supertegerent. When the Bishop Hildebert returned from Rome, and wisht to bless the people, they cried out against him : *Nolumus scientiam viarum tuarum, nolumus benedictionem : coenum benedic, coenum sanctifica : nos habemus patrem, habemus pontificem, habemus advocatum, qui te excedit auctoritate, excedit honestate, excedit scientia. Huic clerici iniqui, clerici tui adversantur, ejus doctrinae contradicunt, hunc quasi sacrilegum detestantur et respuunt, verentes quod eorum scelera denudaret prophetico spiritu, et haeresim suam et corporis incontinentiam privilegio condemnaret literarum [divinarum].* Hildebert indeed banisht him, but plebem Henricus sic sibi illexerat, quod vix adhuc memoria illius et dilectio a cordibus eorum deleri valeat vel depelli. At this time Henry seems to have joined himself to Peter of Bruis, see above note 3. Petrus Vener l. c. in the Preface, p. 1034 : Sed post rogum Petri de Bruis, quo apud s. Aegidium (St. Gilles) zelus fidelium flammam dominicae crucis ab eo succensas eum concremando ultus est,—haeres nequitiae ejus Henricus cum nescio quibus aliis doctrinam diabolicam non quidem emendavit, sed immutavit, et sicut nuper in tomo, qui ab ore ejus exceptus dicebatur, scriptum vidi, non quinque tantum, sed plura capitula edidit.—Sed quia cum ita sentire vel praedicare nondum mihi plene fides facta est, differo responsionem. About 1134 Henry was in Provence (Acta Episc. Cenoman. c. 36. l. c. p. 323) : Aurem suam tantum historiae et literae prophetarum accomodans, dogmatizabat perversum dogma, quod fidelis Christianus nec retractare debet nec erudire. Sed misericordia Dei—ille Henricus ab Arlatensi Archiepiscopo captus est, et domino Papae Innocentio Pisis in authen-

Henriciani) declaimed zealously against the mechanical organization of the church, and the immorality of the clergy. But beside these, the Manicheans who trace their origin to the period of time before this, were continually on the increase (see part i. § 46), the most common names for them now were, in Germany Cathari Ketser,⁵ in Italy Paterini,⁶ in France Publicani, but

tico Concilio (1134) praesentatus, ibique iterum convictus et generaliter haereticus appellatus, ad postremum carcere mancipatur. Cui postquam permissio concessa est abeundi ad aliam provinciam, nova secta, novo cursu, novum iter assumpsit delinquendi: quam protinus ita turbavit, quod minime Christiani Ecclesiarum adirent limina, sed divinum continententes mysterium, sacerdotibus oblationes, primitias, decimas, infirmorum visitationes, et solitam denegabant reverentiam. Henry laboured in Languedoc with great success, at the time when Eugene III. sent out against him in the year 1147 the Cardinal Albericus (see note 2) and St. Bernard. This last announces his commission in a letter (Bernardi epist. 241) to Ildefons count of St. Gilles and Toulouse, a favourer of Henry. It bears as strong testimony to Henry's remarkable activity in that region, as it is full of passion, and false accusation against him. On the success of the embassy see Bernardi vita auct. Gaufrido mon. lib. iii. c. 6. Bernard conquered, Henry was taken prisoner and given over to the Bishop of Toulouse. Albericus Monachus Triumfontium about 1240, multiplied the errors concerning Henry, for he thought him the same person with Eudo. He copies ad ann. 1148 and 1149 the passages of the Contin. Gemblacensis Sigeberti on Eunus (Pertz viii. 389, 390), and puts Henricus instead of Eunus, thinking perhaps of the German Heinz. At the same time he appeals to Peter Cantor, for he refers the passages of this writer concerning Eunus (see above note 2) likewise to Henry. Hence arose the common mistake that Henry was condemned by the Pope in the council at Rheims (1148), and died there in the Archbishop's prison. Thus even Hahn i. 450, and Neander v. ii. 814 are to be corrected.

⁵ Ekberti (about 1163) serm. 1. adv. Catharos in the Bibl. pp. Lugd. xxiii. 601: Illos Germania nostra Catharos—appellat. In this passage he plainly has the German word Ketser in his mind, which about that time was already in common use (see in the Minnesingers in Maness Sammlung ii. 129. 145. 211 etc.) On the derivation of the name see l. c. p. 602: Cathari originem habuerunt a quibusdam discipulis Manichaei, qui olim Catharistae dicebantur, i.e. purgatores (cf. Augustin. de haeres. c. 46.) The Italian form of Catharus was gazaro (Stephanus de Borbone in d'Argentre, i. 90: dicuntur a Lombardis Gazari vel Pathari), and it seems that the German form Ketser was created immediately out of this Italian form. The derivation of this name from the district of Gazaria or Chasaria, according to Mosheim's Versuch einer Ketsergeschichte s. 367 is without foundation, for this country never makes its appearance at this time as an heretical

many other names were in use:⁷ not only did they make their appearance permanently in most distant quarters of France,

district, and Ekbert to whom the derivation of the newly risen name of Ketser must have been known, gives it otherwise. Hatred soon began to amuse itself with arbitrary etymologies of this name in the same manner as with the name of Waldenses (see below § 88. note 2), see Alanus contra haereticos sui temporis lib. i. c. 63: *Hi dicuntur Cathari, i.e. diffuentes per vitia, a Catha, quod est fluxus; vel cathari, quasi casti, quia se castos et justos faciunt. Vel Cathari dicuntur a catho, quia, ut dicitur, osculantur posteriora catti, in ejus specie, ut licent, apparet eis Lucifer. The last mentioned etymology, possible as it is in the German language (Katse Ketser) quickly spread everywhere, together with the fable attacht to it, (a similar circumstance happened with regard to certain names of Montanist sects, vol. i. part i. § 48. note 22), compare J. Grimm in the Wiener Jahrbüchern Bd. 32. 1825) s. 216 f.*

This name which in earlier times the adherents of Rome had received in Milan, as enemies to the marriage of Priests, (see Part i. 31. note 10), was afterwards transferred to the enemies of marriage in general.

⁷ Ekbertus l. c. p. 601: *Hos nostra Germania Catharos, Flandria Taphles, Gallia Texerant* ab usu texendi, appellat. (In Southern France weaving seems to have been the standing employment of the Perfecti. Thus in the year 1220 an institution was set on foot at Cordes, in which young people under pretext of being brought up for hand-loom weaving, might be in fact educated for the ministry in this sect; see Schmidt in d. Strassburger Beiträgen zu d. theol. Wissenschaften, 1847, i. 124 from manuscript sources.) *Auctarium Aquicinctinum* ann 1183 (see below note 8): *quidam dicunt illos Manichaeos, alii Cataphrygas, nonnulli Arianos* (inasmuch as they considered Christ inferior to the Father) *Alexander autem Papa vocat eos Paterinos.* Concerning all these names see Fuessli i. 38. Schmid s. 435. Hahn.

49. The names Bulgari and Albigenes first came into general use in the 13th cent. See below § 90. note 12.

⁸ About 1101 in Agen, see Radulphus Ardens, Chaplain to the Duke of Aquitania, sermo dominica viii. post Trin. (Sermones ed. Colon. 1604. 2. Tom. 8. this passage is in d'Argentré i. 9). About 1115 in Soissons, see Guibertus Abb. s. Mariae Novigenti in vita sua c. iii. c. 16 (in Opp. ed. L. d'Achery, Paris. 1651. fol. and in d'Argentré i., 8). *E. G. Haereticos hic nefandus Suessorum comes nabat;—per Latinum conspersi sunt orbem;—conventicula faciunt hypogeis aut penetralibus abditis. Guiberti himself assisted Bishop Isiardus in this persecution. About 1140 in Perigueux in Aquitania, e Heriberti Mon. epistola (in Mabillonii analecta p. 483. d'Argentré 35): Surrexerunt in Petragoricensi regione quam plures haeretici, ii se dicunt apostolicam vitam ducere: carnes non comedunt, vinum non bibunt, nisi permodicum tertia die: centies in die genua flectunt. cunias non recipiunt: illorum secta valde perversa est et occulta. gloria Patri non dicunt, sed: Pro gloria Patri, quoniam regnum*

tuum, et tu dominaris universis creaturis in saecula saeculorum, Amen. Eleemosynam nihil esse, quia unde fieri possit, nihil debere possideri. Missam pro nihilo ducunt, neque communionem percipi debere dicunt, sed fragmentum panis.—Crucem seu vultum Domini non adorant, sed adorantes prohibent, ita ut ante vultum Domini dicant: “C, quam miseri sunt, qui te adorant, Psalmo dicente, *Simulacra gentium etc.*” In hac seductione quam plures jam, non solum nobiles propria relinquentes, sed et clerici, presbyteri, monachi et monachae pervenerunt. Nullus enim tam rusticus est, si se eis conjunxerit, quin infra octo dies tam sapiens sit literis, ut nec verbis, nec exemplis amplius superari possit. Nullo modo detineri possunt—Diabolo eos liberante etc. Alia quoque permulta et mira faciunt. Princeps eorum Pontius vocatur.—About 1144 in Liege, see Epist. Eccl. Leodiensis ad Lucium P. ii. (in Martene et Durand ampl. collect. i., 776). Some heretics had come thither a Monte-Guimari, quo nomine quidam vicus in Francia dicitur (probably Monte-Limarii, now Montelimart on the Rhone in Dauphigny). The people wisht to burn them, but the clergy rescued most of them: paene omnes ab instanti supplicio, de ipsis meliora sperantes, vix tamen eripuimus.—Haeresis haec diversis distincta est gradibus: habet enim auditores, qui ad errorem initiantur; habet credentes, qui jam decepti sunt; habet Christianos suos, habet sacerdotes, habet et caeteros Praelatos, sicut et nos. Hujus haeresis nefandae blasphemiae sunt, quod in baptismo peccata remitti negat, quod sacramentum corporis et sanguinis Christi inane reputat, quod per impositionem pontificalis manus conferri nil asseverat, quod neminem Spiritum sanctum accipere credit, nisi bonorum operum praecedentibus meritis, quod conjugium damnat, quod apud se tantum Ecclesiam catholicam esse praedicat, quod omne juramentum velut crimen judicat. Hi tamen, qui hujus sceleris sectatores sunt, sacramentis nostris fecte communicant ad nequitiae suae velamentum.—Ab his, qui a nobis deprehensi sunt, accepimus, omnes Gallici regni atque nostri civitates hujus erroris veneno ex parte magna infectae sunt.—About 1180 in Rheims, see Radulphus Cogeshalensis mon. (Ex ms. in Jo. Picordi notis ad Guil. Neubrigensem p. 724 in d'Argentré i., 59) E. G. cum error quorundam haeticorum, qui vulgo appellantur Publicani, per plures Galliae provincias proserperet etc.—In the year 1183 in Arras (as already in 1025 see Part i. § 46. note 4), see Auctarium Aquicinetinum ad ann. 1083 (in Rerum toto orbe gestarum chronica ed. A. Miraens. Antverp. 1608. 4): in civitate Atrebatensi—multarum haeresium fraudes per quamdam mulierem—sunt detectae. Isti haeretici nullius haeresiarum muniuntur praesidio: quidam dicunt illos Manichaeos, alii Cataphrygas, nonnulli Arianos, Alexander autem Papa vocat eos Paterinos. Sed quicquid sint, oris proprii confessi ne convicti sunt haeretici immundissimi. Multi sunt in praesentia Archiepiscopi et Comitibus accusati: nobiles, ignobiles, clerici, milites, rustici, virgines, viduae, uxoratae. Tunc decretalis sententia ab Archiepiscopo et Comite praefixa est, ut deprehensi incendio traderentur, substantiae vero eorum sacerdoti et Principi resignarentur.—In the year 1200 in Besançon, see Caesar. Heisterbae. Miraculorum lib. v. c. 18. (d'Argentré i., 46).—In the year 1201 in Paris (Mon. Autissiodor. p. 96. d'Argentré i., 62):

but also they planted themselves in the neighbouring countries. In the Rhine provinces⁹ a sect similar to the Petrobrusians and Henricians diffused itself together with and alongside of them. This last showed itself about 1115 in the neighbourhood of Trêves,¹⁰ about 1146 it appeared in such strength at Cologne in connexion with the Cathari, that Evervin, Provost at Steinfeld, applied to St Bernard for aid;¹¹ and soon after in 1163, Egbert,

Evraudus miles—haeresis illius, quam Bulgarorum vocant, arguitur. Comp. Sandii nucleus hist. eccl. Colon. 1676. 4. p. 395.

⁹ The passage in the annals of Corvey on the Manichaeans in Swabia and Bavaria, belongs to the continuation forged by Harenberg, see above § 86. note 6.

¹⁰ See Gesta Trevirorum edd. Wytenbach et Müller i., 186: Ivodii (Ivois formerly belonging to Luxemburg, now to France) quod Trevericae dioecesis appenditium est, fuerunt eo tempore haeretici, qui substantiam panis et vini, quae in altari per sacerdotes benedicitur, in corpus et sanguinem Christi veraciter transmutari negabant, nec baptismi sacramentum parvulis ad salvationem proficere dicebant, et alia perplura profitebantur erronea, quae memoriae tradere nefas duxi. There were two presbyters and two laymen apprehended.

¹¹ Evervini Praepos Steinfeldensis epist. ad Bernardum (in Mabilonii analecta p. 473 in d'Argentré i., 33): Nuper apud nos juxta Coloniam quidam haeretici (Cathari) detecti sunt, quorum quidam cum satisfactione ad Ecclesiam redierunt. Duo ex eis, scil. qui dicebatur Episcopus eorum cum socio suo, nobis restiterunt in conventu clericorum et laicorum, praesente ipso domino Archiepiscopo cum magnis viris nobilibus, haeresim suam defendentes ex verbis Christi et Apostoli. Sed cum vidissent, se non posse procedere, petierunt, ut eis statueretur dies, in quo adducerent de suis viros fidei suae peritos: alioquin se velle potius mori, quam ab hac sententia deflecti. Quo audito cum per triduum essent admoniti, et resipiscere noluissent, rapti sunt a populis nimio zelo permotis, nobis tamen invitis, et in ignem positi atque cremati, et (quod magis mirabile est) ipsi tormentum ignis non solum cum patientia, sed et cum laetitia introierunt et sustinuerunt. Hic, sancte Pater, vellem, si praesens essem, habere responsionem tuam, unde istis Diaboli membris tanta fortitudo in sua haeresi, quanta vix etiam invenitur in valde religiosis in fide Christi. Haec est haeresis illorum: Dicunt apud se tantum Ecclesiam esse, eo quod ipsi soli vestigiis Christi inhaereant, et apostolicae vitae veri sectatores permaneant, ea quae mundi sunt non quaerentes, non domum, nec agros, nec aliquid peculium possidentes, sicut Christus non possedit, nec discipulis, suis possidenda concessit. Vos autem, dicunt nobis, domum domui et agrum agro copulatis, et quae mundi sunt hujus, quaeritis: ita etiam, it, qui in vobis perfectissimi habentur, sicut Monachi vel Regulares Canonici, quamvis haec non ut propria, sed possident ut communia, possident tamen haec omnia. De se dicunt: Nos pauperes Christi, instabiles, de civitate in civitatem fugientes, sicut oves in medio luporum.

brother of St Elizabeth and Abbot of the Monastery of St Florin in Schönau, had to be called in to combat this proselyting

*cum Apostolis et Martyribus persecutionem patimur:—Vos autem mundi amatores cum mundo pacem habetis, quia de mundo estis. Pseudo-Apostoli adulterantes verbum Christi, [qui] quæ sua sunt quæsierunt, vos et patres vestros exorbitare fecerunt: nos et patres nostri, generati Apostoli, in gratia Christi permansimus.—In cibis suis vetant omne genus lactis, et quod inde conficitur, et quicquid ex coitu procreatur.—In sacramentis suis velo se tegunt: tamen nobis aperte confessi sunt, quod in mensa sua quotidie cum manducant, ad formam Christi et Apostolorum cibum suum et potum in corpus Christi et sanguinem per dominicam orationem consecrant, ut inde se, membra et corpus Christi, nutriant. Nos vero dicunt in sacramentis non tenere veritatem, sed quandam umbram et hominum traditionem. Confessi sunt etiam manifeste, se præter aquam in ignem et spiritum baptizare, et baptizatos esse.—Et talem baptismum per impositionem manuum debere fieri conati sunt ostendere testimonio Lucae, qui in Act. Apost. describens baptismum Pauli, quem ab Anania suscepit ad præceptum Christi, nullam mentionem fecit de aqua, sed tantum de manus impositione: et quicquid invenitur tam in Actis Apost. quam in Epistolis Pauli de manus impositione, ad hunc baptismum volunt pertinere: et quemlibet sic inter eos baptizatum dicunt *Electum*, et habere potestatem alios, qui digni fuerint, baptizandi, et in mensa sua corpus Christi et sanguinem consecrandi. Prius enim per manus impositionem de numero eorum, quos *Auditores* vocant, recipiunt eum inter *Credentes*, et sic licebit eum interesse orationibus eorum, usque dum satis probatum eum faciant *Electum*. De baptismo nostro non curant. Nuptias damnant, sed causam ab eis investigare non potui: vel quia eam fateri non audebant, vel potius quia eam ignorabant. Sunt item alii haeretici quidam (Henricians called by Ekbert serm. v. below note 12 sequaces Hartwini, after their chief at Cologne) in terra nostra, omnino ab istis discordantes, per quorum mutuum discordiam et contentionem utrique nobis sunt detecti. Isti negant in altari fieri corpus Christi, eo quod omnes sacerdotes Ecclesiae non sunt consecrati. *Apostolica enim dignitas, dicunt, corrupta est, implicans se negotiis secularibus: et in cathedra Petri non militans Deo, sicut Petrus, potestate consecrandi, quæ data fuit Petro, se privavit: et quod ipsa non habet, Archiepiscopi et Episcopi, qui in Ecclesia seculariter vivunt, ab eo non accipiunt, ut aliquos consecrare possint.*—Et ita evacuant sacerdotium Ecclesiae, et damnant sacramenta, præter baptismum solum, et hunc in adultis, quos dicunt baptizari per Christum, quicumque sit minister sacramentorum. De baptismo parvulorum fidem non habent, propter illud de Evangelio: *Qui crediderit et baptizatus fuerit, salvus erit.* Omne conjugium vocant fornicationem, præter quod contrahitur inter utrosque virgines, masculum et foeminam (with reference to Matth. xix. 6, 8, 9, and Hebr. xiii. 4.) In suffragiis Sanctorum non confidunt: jejunia, caeterasque afflictiones, quæ fiunt pro peccatis, adstruunt justis non esse necessaria. nec etiam peccatoribus, quia *in quocunque die inge-**

heresy.¹² The Cathari came to England in the year 1159, they were, however, quickly exterminated.¹³

*muerit peccator, omnia peccata remittuntur ei: caeterasque observantias in Ecclesia, quas Christus et Apostoli ab ipso discedentes non condiderunt, vocant superstitiones. Purgatorium ignem post mortem non concedunt; sed animas statim, quando egrediuntur de corpore, in aeternam vel requiem vel poenam transire, propter illa Salomonis (Ecl. xi. 3): lignum in quamcunque partem ceciderit,—ibi manebit; et sic fidelium orationes vel oblationes pro defunctis adnihilant.—*Noveritis etiam, Domine, quod redeuntes ad Ecclesiam nobis dixerunt, illos habere maximam multitudinem fere ubique terrarum sparsam, et habere eos plures ex nostris clericis et monachis. Illi vero, qui combusti sunt (The Cathari), dixerunt nobis in defensione sua, hanc haeresim usque ad haec tempora occultatam fuisse a temporibus Martyrum, et permansisse in Graecia et quibusdam aliis terris. Et hi sunt illi haeretici, qui se dicunt Apostolos, et suum Papam habent. Alii (the other party) Papam nostrum adnihilant, nec tamen alium praeter eum habere fatentur. Isti apostolici Satanæ habent inter se foeminas, ut dicunt, continentes,—quasi ad formam Apostolorum, quibus concessa fuit potestas circumducendi mulieres.—Evervin in his sermons on Solomon's Song at the passage Cant. 2, 15: *capite nobis vulpes parvulas; quæ demoluntur vineas*, desires Bernard to take notice of these heretics, this he did in serm. 65 and 66 on the Canticles.

¹² Godefridus Mon. ad ann. 1163: Hoc etiam anno quidam haeretici, de secta eorum, qui Cathari nuncupantur, de Flandriae partibus Coloniæ advenientes, prope civitatem, in quodam horreo occulte mansitare coeperunt etc. On the discovery of the relics of the 11,000 virgins at this time, and the revelations of St Elizabeth, which this very Egbert has recorded, see above § 78. note 1. The memorials of his controversy at Cologne are Ekberti sermones xiii. adversus Catharorum errores (ed. Colon. 1530. 8. and Bibl. PP. Lugd. xxiii. 600.) In the dedication ad Reginoldum Archiep. Colon.: In vestra dioecesi frequenter contingit deprehendi quosdam haeticos.—Muniti sunt verbis sacrae Scripturae, quæ aliquo modo sectis eorum concordare videntur, et ex eis sciunt defendere errores suos, et oblatrare catholicae veritati.—Cum essem Canonicus in Ecclesia Bunnensi, saepe ego et unanimis meus Bertolphus cum talibus altercati sumus, et diligenter attendi errores eorum ac defensiones. Multa quoque de illis innotuerunt per eos, qui exierant de conventiculis eorum, et resipuerant a laqueis diaboli.—Sermo i.: Ecce enim quidam latibulosi homines perversi et perversores, qui per multa tempora latuerunt,—per omnes terras multiplicati sunt.—Hos nostra Germania Catharos, Flandria Piphles, Gallia Texerant, ab usu toxendi, appellat. The representation of their doctrines which follows next, entirely agrees with Evervins, and completes it once and again: e.g. se solos in mensis suis corpus Domini facere dicunt. Sed in verbis illis dolum habent: non enim verum illud corpus Christi significant,—sed sui ipsius carnem corpus Domini vocant, et in eo. quod sua corpora nutriunt cibis mensae suae, corpus domini se facere dicunt.

Audiui a quodam fidei, qui—de societate eorum exivit,—in domino Salvatore ita errare eos—, ut dicerent, eum non vere natum ex virgine, nec vere humanam carnem eum habuisse, sed simulatam carnis speciem : nec ex mortuis eum resurrexisse, sed mortem et resurrectionem simulasse. Accordingly they did not keep Easter; but instead of this aliud quoddam festum, in quo occisus est haeresiarcha eorum Manichæus,—quod b. Augustinus—*Bema* appellari dixit. Meus autem recitator ab eis, quibus ipse fuerat commoratus, *Malilosa* dixit vocari, et autumnali tempore celebrari (*Bema* was celebrated in March, Augustin. contra Faust. xviii. c. 5). Those that were burnt at Cologne declared still further, animas humanas non aliud esse, nisi illos apostatas spiritus, qui in principio mundi de regno caelorum ejecti sunt, et eos in humanis corporibus posse per bona opera promereri salutem, sed hoc non nisi inter eos, qui ad eorum pertinent sectam. After Sermon i. follows an Appendix de origine sectae Catharorum, which begins with the assertion : Sciendum vero est, et non celandum ab auribus vulgi, quoniam indubitanter secta eorum, de quibus agimus, originem accepit a Manichæo haeresiarcha.—Multa tamen permixta habent doctrinae magistri sui, quae inter haereses illius non inveniuntur. Divisi sunt etiam contra semetipsos, quia nonnulla, quae ab aliquibus eorum dicuntur, ab aliis negantur. Nevertheless Egbert endeavoured with the help of St Augustin, viz. the lib. de haeres. c. 46, to search into the doctrinal system of the Cathari; by this means, however, he must have uncritically transferred to the modern Cathari, much that was peculiar to the ancient Manichæans. For instance, I believe, that to the passage : Ex numero discipulorum suorum duodecim elegit, quos quasi Apostolos suos habebat :—quem numerum imitatores ejus et hodierna die observant, quia ex electis suis habent xii. quos appellant magistros, et tertium decimum principem ipsorum : Episcopos autem lxxii. qui ordinantur a magistris etc. which is quoted almost word for word from Augustin. de haer. c. 46, he has assigned only an analogous connexion with the Institution of the Cathari, which Evervinus records, above not. 11 : se dicunt Apostolos (viz. the teachers of the sect) et suum Papam habent. Sermo v : on the reason for the prohibition of marriage among the Cathari : Innotuit mihi per quosdam viros, qui exierunt de societate vestra. —Dicitis enim, quod fructus ille, de quo praecepit Deus primo homini in paradiso, ne gustaret ex eo, nihil aliud fuit nisi mulier, quam creaverat. De ipsa, dicitis, Adae praeceptum Domini, ut non commisceretur ei, et commixtus est ei contra praeceptum Domini, quod erat gustare de vetito ligno. Ex hoc ergo probatis, omne genus humanum, quod de eis propagatum est, natum esse ex fornicatione, et neminem salvari posse, nisi purgatus fuerit per orationes et sanctificationes eorum, qui inter vos perfecti vocantur.—Mussitant quidam vestram, videlicet sequaces *Hartwini*, quod illud conjugium solum justum est, in quo virgines conjunguntur, et quod unam tantum prolem gignere debent, et postea statim abinvicem discedere. Sermo viii. : nuper (igne) baptizavit Colonia Archicatharum vestrum Arnoldum, et complices ejus, et similiter Bunna Theodericum et socios ejus.

But the head quarters of the Cathari were those countries in which at that time, along with civic freedom, civilization, and education, discontent at the wanton and avaricious clergy had grown up in a remarkable manner: Such were Southern France and Northern Italy. In Southern France,¹⁴ where Toulouse was their central point,¹⁵ the interest awakened by Peter of Bruis and Henry worked for their advantage. The Synodal decrees issued against them¹⁶ remained without effect, for almost

¹³ Willelmus Neubrigensis (about 1197) de reb. Angl. lib. ii. c. 13: *Isdem diebus erronei quidam venerunt in Angliam ex eorum, ut creditur, genere, quos vulgo Publicanos vocant. Hic nimirum ex Gasconia incerto auctore habentes originem, regionibus plurimis virus suae perfidiae infuderunt. Quippe in latissimis Galliae, Hispaniae, Italiae, Germaniaeque provinciis tam multi hac peste infecti esse dicuntur, ut secundum Prophetam multiplicati esse super numerum arenae videantur.*

—But when they came to England, pesti, quae jam irrepserat, ita est obvium, ut de caetero hanc insulam ingredi vererentur. There were more than thirty men and women, duce quodam Gerardo, all of them nationis et linguae Teutonicae. A Council at Oxford had them branded and banished from the kingdom. J. C. Fuesslini diss. de fanaticis saec. xii. in Anglia repertis, Bernae 1761. 8.

¹⁴ Dr. C. Schmidt die Katharer in Südfrankreich in der ersten Hälfte des 13. Jahrh., in den Strassburger Beiträgen zu d. theol. Wissenschaften. Heft. i. (Jena 1847) S. 85. On the political state of southern France about this time see Schlosser's Weltgesch III. i. 557.

¹⁵ Schmidt. S. 98.

¹⁶ Conc. Tolosan. ann. 1119 c. 3: Porro eos, qui religionis speciem simulantes, dominici corporis et sanguinis sacramentum, puerorum baptismum, sacerdotium, et caeteros ecclesiasticos Ordines, et legitimarum damnant foedera nuptiarum, tanquam haereticos ab Ecclesia Dei pellimus et damnamus: et per potestates externas coerceri praecipimus. Defensores quoque ipsorum ejusdem damnationis vinculo donec resipuerint mancipamus. The same was repeated Conc. Lateran. ii. gen. ann. 1139 c. 23. Conc. Remense ann. 1148 c. 18:—praecipimus, ut nullus omnino hominum haeresiarchas et eorum sequaces, qui in partibus Guasconiae, aut Provinciae, vel alibi commorantur, manuteneat vel defendat. nec aliquis eis in terra sua receptaculum praebeat. Whosoever disobeyed anathemate feriatur, et in terris eorum, donec condigne satisfaciant, divina celebrari officia interdiciamus. Conc. Turonense ann. 1163 c. 4: In partibus Tolo-ae damnanda haeresis dudum emersit, quae paulatim more cancri ad vicina loca se diffundens, per Guasconiam et alias provincias quamplurimos jam infectit. Hence the requisition to the Bishops and priests of those countries to be watchful, et sub interminatione anathematis prohibere, ut ubi cogniti fuerint illius haeresis sectatores, ne receptaculum quisquam eis in terra sua praebeere, aut praesidium impertire praesumat. Sed nec in venditione aut emptione aliqua cum

all the Barons of this country protected them,¹⁷ and so their numbers here received a very considerable increase.¹⁸ The

eis omnino commercium habeatur.—Illi vero si deprehensi fuerint, per catholicos Principes custodiae mancipati omnium bonorum amissione multentur. Et quoniam de diversis partibus in unum latibulum crebro conveniunt,—conventicula et investigentur attentius, et si inventa fuerint, canonica severitate vetentur.

¹⁷ Schmidt in the *Strassburger Beiträgen* i. 93. But William VIII., Count of Montpellier, was a zealous Catholic, and his land free from heretics, s. 94.

¹⁸ On this point and on the following, see the *Histoire générale de Languedoc par un Religieux Bénédictin de la Congr. de s. Maur* (Claude le Vic and Joseph Vaissette) Tom. IIIième, Paris 1737. fol. The great increase of the Cathari in this region, is especially illustrated by the acts of a council held here in the year 1167 at S. Felix de Caraman, five leagues from Toulouse (publisht in Guil. Besse *histoire des Ducs, Marquis et Comtes de Narbonne*. Paris 1660. 4. p. 483, and in the *Rerum Gallicarum et Francicarum scriptt.* by Bouquet, continued by Brial xiv. 448): Anno MCLXVII. incarnationis dominicæ, in mense Maji, Ecclesia Tolosana adduxit Papam Niquinta in Castro s. Felicis, et magna multitudo hominum et mulierum Eccl. Tolosanae, aliarumque Ecclesiarum vicinarum congregaverunt se ibi, ut acciperent consolamentum, quod dominus Papa Niquinta coepit consolare. Postea vero Robertus de Sperrone Ep. Eccl. Francigenarum venit cum consilio suo; Marchus Lombardiae venit cum consilio suo similiter, et Sicardus Cellarierus Eccl. Albiensis Ep. (Guillelm. de Podio Laur. c. 4: *Sicardus dictus Cellariatus, apud Lamberium publice residens*) venit cum consilio suo, et Bernardus Catalani (Petrus Vall. Sarn. c. 6: *Bernardus de Cimorra, qui in Carcassonensi diocesi præcipuus habebatur*) venit cum consilio suo Eccl. Carcassensis, et consilium Eccl. Aranensis (*le Val d'Aran*) fuit ibi. Omnes igitur sic innumerabiliter congregati voluerunt habere Episcopum, et elegerunt Bernardum Raimundum homines Tolos. Eccl. qui voluerunt habere Episcopum. Similiter Bernardus Catalani et consilium Eccl. Carcassensis, rogatus ac mandatus ab Eccl. Tolosana et cum consilio et voluntate et solutione domini S. Cellarerii elegerunt Guiraldum Mercerium; et homines Aranenses elegerunt Raimundum de Casalis. Postea Robertus de Sperrone accepit consolamentum et ordinem Episcopi a domino Papa Niquinta, ut esset Ep. Eccl. Francigenarum; similiter et S. Cellarierus accepit consolamentum et ordinem Episcopi, ut esset Ep. Eccl. Albiensis: similiter vero Marchus—ut esset Ep. Eccl. Lombardiae: similiter vero Bernardus Raimundus—ut esset Ep. Eccl. Tolosanae (Bernardus Raimundi in 1181 was confined in the Castle Lavaur, converted, and became a canon of Toulouse, Guillelm. de Podio c. 2): similiter Guiraldus Mercerius—ut esset Ep. Eccl. Carcassensis: et Raimundus de Casalis—ut esset Ep. Aranensis. Post hæc vero Papa Niquinta dixit. Eccl. Tolosanae: *vos dixistis mihi, ut ego dicam vobis consuetudines primitivarum Ecclesiarum, sint leves an graves. Et ego dicam*

Bishops of the district vainly endeavoured in the council at Lomers (1165)¹⁹ to bring back these bonos homines, as they

vobis: septem Eccl. Asiae fuerunt divisae et terminatae inter illas, et nulla illarum faciebat ad aliam aliquam rem ad suam contradictionem. Et Eccl. Romanae (probably *Romulae* in Dalmatia, now Carlstadt in Croatia), *et Drogometiae* (*Tragurium* see below), *et Melenguiae* (*Melenicum*, now Melenik in Macedonia), *et Bulgariae, et Dabnatiae sunt divisae et terminatae, et una ad alteram non facit aliquam rem ad suam contradictionem, et ita pacem habent inter se. Similiter vos facite.* Now were divisoires elected, and by them the boundaries of the Eccl. Tolosanae and Eccl. Carcassensis determined. Probably the Papa Niquinta is the same person with the Papa Niceta mentioned by an Antiquus auctor in Nic. Vignier recueil de l'histoire de l'église (Lyons 1601. fol) ad ann. 1023, and in Sandii nucleus hist. eccl. p. 404, in whose writings also the Bishop Marcus again makes his appearance: Primis temporibus, quibus haeresis Catharorum in Lombardia multiplicari coepit, primum habuerunt Episcopum quendam Marcum nomine, sub cujus regimine omnes Lombardi et Tusci et Marchiani regebantur. Iste Marcus ordinem suum habebat de Bulgaria. Veniens autem quidam Papa Nicetas nomine a Constantinopoli in Lombardiam, coepit accusare ordinem Bulgariae, quem Marcus habebat. Unde Marcus Episcopus haesitare incipiens relicto ordine Bulgariae suscepit ab illo Papa Niceta ordinem Druguriae cum suis complicitibus, et tenuit per multos annos. Thus here are significant traces of internal divisions among the Cathari. Druguria may well be Tragurium, now Trau or Traù, situated upon an island off the coast of Dalmatia: in Rainerii Summa: Eccl. Dugunthiae (al. Dugunithiae, al. Dugranicae. In the same manner the Uroger are called also Wurugunder, the Onoguren also Onogunduren, see Thunmann's Untersuchungen über die Gesch. d. östl. Europ. Völker s. 32.) Drugunitia then seems to have been disfigured by transcribers in Drogometia. On the Popes of the Cathari see below § 90. note 26.

¹⁹ Rogerus de Hoveden annall. rer. Anglic. ad ann. 1176 (in Savilli scriptt. rer. Angl. Francof. 1601. p. 555) gives an abridgement of the acts of this council: for this reason it is referred by mistake in the Acts of Councils to the year 1176, and Schröckh even makes two councils out of this single one, one in 1165 (xxix. 510), and another in 1176 (s. 508.) The entire acts publisht in Mansi xxii. 157 begin thus: Anno ab Incarn. Domini MCLXV. talis diffinitiva sententia lata est super altercatione et assertionem atque impugnationem fidei catholicae, quam expugnare nitentur quidam, qui faciebant se appellari *Boni homines, quos manutenebant homines de Lomers.* Et haec sententia lata est per manum Giraldi Albiensis Episcopi, electis ac statutis iudicibus ab utraque parte, et cognoscentibus atque adsidentibus praefato Episcopo, then other Bishops and Ecclesiastics, and some Barons are mentioned, in praesentia fere totius populi Albiensis et de Lomers, aliorumque populorum castrorum. To the first question about their Canon of Scripture, they answered unabashed that they rejected the Old Testa-

were here usually called, to the Church : Little more effect was produced by the Cardinal-Legate Peter of St Chrysogonus in Toulouse (1178),²⁰ and the severe decree of Alexander III.

ment, and received only the New. To the question *de fide sua*, they answered, *quod non dicerent, nisi cogerentur* : to the third *de baptismo parvulorum* ; *quod nihil dicerent, sed de Evangelio et Epistolis responderent*. Thus they wisht to have no examination, but a disputation, first upon the first head. Hence their declaration which followed : *nihil aliud responderent ; quia non debebant cogi respondere de fide sua*. The Assembly certainly pronounced condemnations enough upon them, but how little effect they had is plain from Gervasii Cantuariensis (about 1200) chron. ad ann. 1177 (scriptores X Anglici. Lond. 1652. fol. p. 1441 ss.)

²⁰ Raymund V. Count of Toulouse, betook himself in 1177 to the Cistercian chapter (the epistle is in Gervasius Cantuar. l. c.) to obtain here assistance against his heretics. On the mission of Cardinal Peter which was brought about by the Kings of France and England, see Hist. de Languedec iii. 48. The principal source is Roger de Hoveden ad ann. 1178. p. 573, and particularly the epistle there quoted p. 577 of Henricus Abb. Claraevall, who accompanied the Cardinal. Henry here paints a terrible picture of the ascendancy of heretics in Toulouse ; *ibi haeretici principabantur in populo, dominabantur in clero, eo ut populus sic sacerdos, et in interitum gregis ipsa configurabatur vita pastoris. Loquebantur haeretici, et omnes admirabantur ; loquebatur Catholicus, et dicebant : quis est hic ? in stuporem et miraculum deducentes, si esset aliquis inter eos, qui de verbo fidei auderet aliquid vel mutire. In tantum praevaluerat pestis in terra, quod illi sibi non solum sacerdotes et pontifices fecerant, sed etiam Evangelistas habebant, qui corrupta et cancellata evangelica veritate nova illis Evangelia euderent etè.*—In ipso quoque introitu nostro tanta erat haereticis ubique licentia, ut nos quoque per vicos et plateas recto itinere procedentes subsannarent verbo, digito demonstrarent, nos apostatas, nos hypocritas, nos haereticos conclamantes. However they were intimidated by the powerful protection held out to the embassy, and were forced to appear to submit. On the other hand Henry, who was sent to Roger II., Viscount of Beziers, ut et Albiensem Episcopum, quem sub custodia haereticorum in vinculis tenebat, absolveret, et universam terram suam eliminatis haereticis emendaret, had no success with him although Roger was a good Catholic, see hist. de Languedec. iii. 49.) Praedictus Rogerus in ultimos et inaccessibiles terrae suae fines abcessit, and Henry says : *judicavimus praedictum Rogerum proditorem, haeticum, et de violata Episcopi securitate perjurum, eum tanquam publica excommunicatione damnatum, ex parte Papae et praedictorum Regum, in praesentia conjugis, militumque suorum in nomine Christi confidenter diffidantes (diffiants.)* The epistle ends thus : *Ecce a modo statim apparet, quam grande et evidens ostium patet Principibus christianis, ut Christi uleiscantur injurias.*—Ne autem vel parum vel nihil fieri contra illos posse causeantur, sciant omnes, generalem fuisse in urbe

in the third Lateran Council (1179).²¹ Against Roger II., Viscount of Beziers, Carcassone, Albi and Rasez, who protected the Cathari, the Cardinal Legate, Henry, Abbot of Clairveaux, already headed a crusading army (in 1181),²² but he could produce no lasting effect.²³ In the beginning of the 13th century the greater part of the daughters of the nobility were brought up in the educational establishments of the Perfectae, who lived together in monastic style.²⁴ The records of the controversy of this time,

Tolosana sententiam, quod si illa visitatio fuisset adhuc triennio retardata, vix inveniretur in ea, qui nomen Christi amplius invocaret. Super haec autem omnia praedictus Comes s. Aegidii coram populo civitatis praestito juramento firmavit, quod a modo nec prece nec pretio favebit haereticis. However Robertus de Monte chron. ad ann. 1178 (in Pertz viii. 526): Haeretici, quos *Agenenses* (see above note 8) vocant, et alii multi convenerunt circa Tolosam,—ad quorum confutationem Petrus, Legatus Rom., etc. convenerunt, *et parum profecerunt.*

²¹ Conc. Lateran. iii. gen. c. 27: Quia in Gasconia, Albigensio, et partibus Tolosanis, et aliis locis ita haereticorum, quos alii Catharos, alii Patarenos, alii Publicanos, alii aliis nominibus vocant, invaluit damnata perversitas, ut jam non in occulto, sicut aliqui, nequitiam suam exerceant, sed suum errorem publice manifestent. et ad suum consensum simplices attrahant et infirmos: eos, et defensores eorum, et receptores anathemati decernimus subjacere: et sub anathemate prohibemus, ne quis eos in domibus, vel in terra sua tenere, vel fovere, vel negotiationem cum eis exercere praesumat.—Cunctis fidelibus in remissionem peccatorum injungimus, ut tantis eladibus se viriliter opponant, et contra eos armis populum christianum tueantur. Confiscenturque eorum bona, et liberum sit Principibus hujusmodi homines subjacere servituti. Qui autem in vera poenitentia ibi decesserint, et peccatorum indulgentiam, et fructum mercedis aeternae se non dubitent percepturos. Nos etiam—fidelibus Christianis, qui contra eos arma susceperint, biennium de poenitentia injuncta relaxamus: aut si longiorem ibi moram habuerint, Episcoporum discretioni, quibus hujus rei cura fuerit injuncta, committimus. ut ad eorum arbitrium, secundum modum laboris, major eis indulgentia tribuatur. Illos autem, qui admonitioni Episcoporum in hujusmodi parte parere contempserint, a perceptione corporis et sanguinis Domini jubemus fieri alienos etc. This decree was repeated by the Archbishop of Narbonne in 1179, with a requisition to his suffragans, to pronounce the Ban every Sunday against the heretics and their protectors (see Hist. de Langued. T. iii. Preuves p. 148), to wit against R. comitem nobilem virum, et R. vicecomitem Biterrensem, et B. vicecomitem Nemausensem, et Lupatum, et R. de Terrazona.

²² Hist. de Langued. iii. 57.

²³ No further effect was produced by the promise, which Bertrand de Saissac as guardian of the young Viscount Raymond Roger, made to the Bishop of Beziers in Aug. 1194 after the death of Roger in

issuing from France are Ebrardi Flandrensis, Betunia oriundi, liber antihaeresis²⁵: Ermengardi opuse, contra haereticos, qui

that year (Hist. de Lang. T. iii. Preuves p. 177):—nec haereticos, vel Valdenses in praedicta villa (Biterris) vel Episcopatu—inducemus. Et si forte ibi fuerint, pro posse nostro illos inde ejiciemus, et tibi Episcopo jus et liberam potestatem—eos expellendi concedo: nor by the renewal of the canon of the Lateran Council at the Conc. Mospelliense ann. 1195.

²⁴ Schmidt in d. Strassburger, beiträgen i. 97.

²⁵ Prim. ed. Jac. Gretser (Trias scriptorum adv. Waldensium sectam, Ingolst. 1614. 4.) with the wrong title contra Waldenses (in Bibl. max. Lugd. xxiv. 1525) E. G. cap. i.: Dicunt, lex non est ex fide, ut dicit Abacuc et Paulus similiter (Gal. iii. 11. 12; Hab. ii. 4).—Quod autem ex fide non est, peccatum est (Rom. xiv. 23); ergo lex peccatum est. Cap. iii.: Deum patrum nostrorum, qui legem dedit Moysi, qui locutus est cum prophetis, qui firmavit orbem terrae, Deum verum esse negant. Eum etenim joculariorem esse (as in Exod. iii. 14.) Afterwards comes a comparison between the God of the Old and the God of the New Testament, like the Marcionite antithesis. Cap. iv.: Ecclesias destruunt, nec jam Ecclesias vocant, sed speluncas,—et verbis inhonestis, et etiam execrandis Ecclesiarum pastores, et eorum vestimenta, altaria et vasa contaminant sacrosancta.—Dicunt autem, quod bonus homo, aut bona foemina, aut congregatio utriusque, Ecclesia est, et ideo domum manufactam negant esse Ecclesiam.—Praelatis nostrae Ecclesiae obedire (nolunt):—dicunt enim, quod fornicatores sunt, adulteri, mendaces, raptores et cupidi. Cap. v.: Duos esse Deos dicunt, unum salvatorem et benignum, in quem se credere confitentur: alterum creatorem rerum et hominum plasmatorem, sed malignum, in quem se credere non fatentur. Cap. vi. is a rejection of infant baptism; Cap. vii. of marriage; Cap. viii. of the Eucharist in the Church. Cap. ix., They inferred from 1 Cor. 15, 35 ss., quod in alio corpore resurgemus, et Deus det nobis corpus novum. Cap. x.: Oblationum quoque munera retundentes, decimas et primitias apud se retinent et furantur. Cap. xi.: Inunctionem etiam olei subsannantes, nec chrisma, nec oleum sibi poseunt,—nec etiam coemeterii sepulturam. Cap. xii.: Peregrinationis destruunt viaticum, loca sancta et Sanctorum miracula prohibent visitari. Cap. xiii.: Diffidentes etiam de Domini praecursore, vitam ejus repudiant et baptismum. Cap. xiv. contains a rejection of oaths, Cap. xv. of capital punishment. Cap. xvi. In operibus solummodo confidentes, fidem praetermittunt (where Ebrardus, by bringing forward the statement: Non omnis homo ex operibus salvatur, sed gratia et fide, puts Gretser to much trouble.) Cap. xvii.: Crucem sanctam et etiam sanctissimam dehonorat. Cap. xviii.: Foemineo sexui caelorum beatitudinem nituntur surripere, because it is written: Venite benedicti Patris mei, not benedictae. They inferred from Eph. iv. 13, quod in specie viri perfecti, et in aetate xxx annorum ad judicium veniamus, et mulieres suum permulent sexum. Cap. xix.: Dicunt, unam tantum salutis esse viam, ad quam ipsi prae caeteris

dicunt et credunt, mundum istum et omnia visibilia non esse a Deo facta, sed a diabolo:²⁶ and Alani Summa quadripartita

devenerunt. Cap. xx. is on abstinence from flesh meat. Cap. xxi: Male quidem et perverse operantes in quibusdam latebris se abscondunt: quaedam quoque facientes abusiva, ab aliis, et eorum novitiis se videri non permittunt. Cap. xxii: Omiserunt ludicra, sed non lucra; abjecerunt otia, sed non negotia. Ita enim mundanis abrenunciant, ut avaritiae obligentur vinculo fortiori. Si pauper enim fueris et mendicus, moram cum illis facias, statim exies opulens: quippe a diluculo ad crepusculum in mundanis operosi mercaturis, manus non permittunt otari.

²⁶ Likewise first published by Gretser l. c. with the wrong title contra Waldenses (in Bibl. PP. Lugd. xxiv. 1602, it is placed also erroneously as Abaelardi lib. adv. haereses in his Opp. p. 452. See Franck in the theol. Studien u. Krit. 1841. iv. 973. A certain agreement which has been observed in the work before us with the Confessio Durandi de Osa in Innocentii III. lib. xi. ep. 196 is, however, by no means, in Frank's opinion, of such a nature, that we must attribute it to the same author, and consider the companion of Durandus distinguished in the confession by the letter E, to be this Ermengard.) The description here given of Baptism with the spirit is most worthy of notice; this was administered instead of baptism with water, for actual admission into the sect, i.e. among the elect, and it was called by the Cathari Consolamentum, because thereby the Παράκλητος, the Consolator, was thought to be communicated. Cap. xiv.: Quando volunt facere consolamentum alicui viro vel mulieri, ille, qui Major et Ordinatus dicitur, ablutis manibus, librum Evangeliorum in manibus suis tenens, eum vel eos, qui ad recipiendum consolamentum conveniunt, admonet, ut in eo consolamento omnem suam fidem, et spem salutis animarum suarum in Deo et in illo consolamento ponant. Et sic super capita eorum libro posito, orationem dominicam septies dicunt, et deinde b. Joannis Evangelium ab *In principio* incipiens usque ad hunc locum Evangelii. quod dicit: *Gratia et veritas per Jesum Christum facta est*, audientibus dicit. Et sic finitur illud consolamentum. A quibus personis fit, dicamus. Scil. ab illis, qui inter eos *Ordinati* dicuntur. Si ipsi defuerunt, ab illis, qui *Consolati* dicuntur, suppletur, et si viri non adsint, mulieres tantum infirmis faciunt.—Omnium remissionem suorum peccatorum et emundationem suorum delictorum, absque satisfactione aliqua, in eo se consequi credunt, si statim morte deficiunt.—Dicunt enim, quod nemo,—nisi illud consolamentum ab ipsis consolatis receperit, caeleste regnum—aliquo opere,—nec etiam martyrio, etsi ab omnibus, quod est impossibile, peccatis et delictis se abtineat, consequi potest. Credunt etiam, hoc, quod se ille, qui facit illud consolamentum, in aliquod peccatum, quae ipsi criminalia vocant, lapsus fuerit: sicut est comedere carnem, aut ovum, vel caseum; vel interficere avem, vel aliquod animal, praeter reptilia; vel etiam illa peccata, quae Ecclesia Romana criminalia nominat;—consolamentum illius recipientibus nihil prodest.—Imo eundem credunt iterum oportere illud consolamentum recipere ab alio, si salvari desiderat.

contra Haereticos, Waldenses, Judaeos et Paganos ;²⁷ all written about the same time, as it seems, towards the end of the twelfth century.²⁸ The Catharic translation of the New Testament is extant in a Romaic dialect, but not yet printed.²⁹

²⁷ The first two books were published by Masson, Paris. 1612. 8. but far more accurately in Alani de Insulis Opp. ed. Car. de Visch, Antwerp. 1654. fol. p. 199 ss. the last two in C. de Visch biblioth. scriptor. Cisterc. Colon. 1656. 4. p. 411. Down to this time this Alanus de Insulis has been held to be the author, who was born at Lille in Flanders, became a Cistercian monk and afterwards Bishop of Auxerre resigned his Bishopric in 1167, and died at Clairvaux in 1202, see Hist. de Languedoc iii. 119. d'Argentré i. 83 (Cave hist. lit. ii. 229. 287 erroneously assumes that there were two Alanus of Lille.) From the fact that the author dedicates his work to the Count of Montpellier, and is well acquainted with the peculiar circumstances of southern France; Ravaisson rapport sur les bibliothèques de l'Ouest de la France, Paris. 1841. p. 157, believes that the work may be attributed to a Magister Alanus de Podio, from whose hand he has found a theological tract in the library of Avranches, and Schmidt, in the Strassburger Beiträgen 1, 100, agrees with him. However, Clairvaux, where Alanus of Lille lived, was closely connected with southern France, and its monks were often actively engaged in opposition to the heretics of that country.

²⁸ With regard to the doctrine of the Cathari in the Albigeois, the two contemporaries and historians of the Albigensian crusade should be particularly consulted. These are the Monk Petrus Mon. coenobii Vallium Sarnaji or Vallissarnensis (the Cistercian abbey of Vaux Sernai in the diocese of Paris) in historia Albigensium (down to 1218), and the chaplain of Raymond VII., Count of Toulouse, Guilelmus de Podio Laurentii (de Puy-Laurent) super historia negotii Francorum adv. Albigenses (down to 1272), (both of them are best edited in Rerum Gall. et Franc. scriptores by Bouquet, continued by Brial xix. 1 and 193.) Especially so the short description by Petrus Mon. cap. 2: Haeretici duos constituebant creatores, invisibilem scil. quem vocabant benignum Deum, et visibilem, quem malignum Deum nuncupabant. Novum testamentum benigno Deo, vetus vero maligno attribuebant, et illud omnino repudiabant praeter quasdam auctoritates, quae de veteri Testamento novo sunt insertae, quas ob novi reverentiam Testamenti recipere dignum aestimabant. Auctorem veteris Testamenti mendacem asserbant, quia protoplastis dixit: *quaeque die comederitis de ligno scientiae boni et mali, morte moriemini*, nec sicut dicebant) post comestionem mortui sunt.—Homicidam quoque ipsum nominabant, tum quia Sodomitas et Gomorrhacos incineravit, et aquis diluvii mundum delevit, tum quia Pharaonem et Aegyptios mari obruit. Omnes veteris Testamenti Patres damnatos affirmabant. Johannem Baptistam unum esse de majoribus Daemonibus asserant. Dicebant etiam in secreto suo, quod Christus ille, qui natus est in Bethleem

terrestri et visibili, et in Hierusalem crucifixus, malus fuit, et quod Maria Magdalena fuit ejus concubina, et ipsa fuit mulier in adulterio deprehensa, de qua legitur in Evangelio. Bonus enim Christus, sicut dicebant, nunquam comedit vel bibit, nec veram carnem assumpsit; nec unquam fuit in hoc mundo, nisi spiritualiter in corpore Pauli. Ideo autem diximus in Bethleem terrestri et visibili, quia haeretici fingebant esse aliam terram novam et invisibilem, et in illa terra, secundum quosdam, bonus Christus fuit natus, et crucifixus. Item dicebant haeretici, bonum Deum (without doubt: *malum Deum*) habuisse duas uxores, Collam et Colibam, et ex ipsa filios et filias procreasse (Colla and Coliba is only a mistake in spelling for Oolla and Ooliba according to Ezek. xxiii. 1 ss. *Et factus est sermo Domini ad me:—Oolla major, et Ooliba soror ejus minor, et habui eas, et pepererunt filios et filias. Porro eorum nomina, Samaria Oolla, et Jerusalem Ooliba*, comp. Schmidt in the Strassb. Beitr. i. 87.) Erant alii haeretici, qui dicebant, quod unus est creator, sed habuit filios Christum et Diabolum. Dicebant et isti, omnes creaturas bonas fuisse, sed per filias, de quibus legitur in Apocalypsi, omnia fuisse corrupta. Hi omnes, membra Antichristi,—provinciam Narbonensem veneno suae perfidiae infecerant fere totam. Romanam Ecclesiam speluncam latronum esse dicebant, et quia ipsa erat meretrix illa, de qua legitur in Apocalypsi. They had rejected Baptism, the Lord's Supper, Confirmation, Confession, Marriage, the Resurrection from the Dead, dicentes, animas nostras esse spiritus illos angelicos, qui per superbiae apostasias praecipitati de caelo, corpora sua glorificata in aëre reliquerunt; et ipsas animas post successivam qualiumcunque septem corporum terrenorum inhabitacionem, quasi tunc demum poenitentia peracta, ad illa relicta corpora remcare. Sciendum autem, quod quidam inter haeticos dicebantur Perfecti, sive Boni Homines, alii Credentes. Haeticorum, qui dicebantur Perfecti, nigrum habitum praeferebant, castitatem se tenere mentiebantur: esum carniū, ovorum, casei omnino detestabantur: non mentientes videri volebant, cum ipsi maxime de Deo quasi continue mentirentur. Dicebant etiam, quod nulla unquam ratione debeant jurare. Credentes autem haeticorum dicebantur illi, qui, saeculariter viventes,—in fide tamen illorum se salvari sperabant:—dediti erant usuris, rapinis, homicidiis et carnis illecebris, perjuriis et perversitatibus universis. Isti siquidem ideo securius et effrenatius peccabant, quia credebant, sine restitutione ablatorum, sine confessione et poenitentia se esse salvandos, dummodo in supremo mortis articulo *Pater noster* dicere et manuum impositionem recipere a magistris suis potuissent. De perfectis vero haeticis magistratus habebant, quos vocabant Diaconos et Episcopos, sine quorum manuum impositione nullus inter Credentes moriturus se salvari posse credebant. Then he treats of the *Consolamentum*. Lastly: Quidam haeretici dicebant, quod nullus poterat peccare ab umbilico et inferius. Imagines, quae sunt in Ecclesiis, dicebant idololatriam, campanas earum tubas Daemonum affirmabant. Item dicebant, quod non peccabat quis gravius, dormiendo cum matre vel sorore sua, quam cum qualibet alia.

²⁹ Fleck (wissenschaftl. Reise durch das Südl. Deutschland, Italien, Sicilien und Frankreich II. i. 90) discovered this translation in the

The Cathari also were widely spread in Northern Italy, and made their appearance under Innocent III. even in the States of the Church.³⁰ Their head-quarters were at Milan, where they were encountered so early as 1173 by the Archbishop Galdinus.³¹ Here wrote Bonacursus, formerly himself a teacher among the Cathari, but afterwards a convert to the Catholic Church, about 1190, his *Vita haereticorum, seu manifestatio haeresis Catharorum*,³²

Library of the Academy of Arts at Lyons. Next after the Acts of the Apostles follows the Apocalypse, then the Catholic epistles, and lastly the epistles of St. Paul (after the Epistle to the Colossians comes the apocryphal Epistle to the Laodiceans: the Epistle to the Hebrews forms the conclusion.) Then follow prayers: the Paternoster and the beginning of the Gospel of the evangelist John in the Latin language, other prayers in Romain. This appendix, which is evidently the form used in the administration of the Consolamentum, admits of no doubt with regard to its Catharic origin. As far as can be judged from the style of the writing, the manuscript belongs to some time betwixt the 12th and 13th centuries.

³⁰ In Orvieto (*Urbs vetus*) even the Papal Lieutenant Petrus Parentius, was slain by the heretics in 1199, see his life by a contemporary in the *Act. SS. Maj. V. ii. 86 to 21. Mai.* In 1207 Innocent betook himself in person to Viterbo, ad eliminandam Patarenorum spurcitiam, qua Viterbiensis civitas erat vehementer infecta (*Gesta Innoc. iii. c. 123*), and issued there the severe decree *lib. x. epist. 130. Comp. lib. ix. epist. 7. 18. 167. 204. Hurter's Innocenz III. ii. 249.*

³¹ *Vita s. Galdini* in the *act. SS. Apr. ii. 593 to 18. April. Jac. de Vitriaco hist. Orient. et Occident. lib. ii. c. 28.*

³² On Bonacursus cf. Labbei *specimen antiquarum lectionum* p. 206. This work has made its appearance in d'Achery *spicileg. T. i. p. 208* (some chapters there missing were published supplementarily by Mansi in his edition of Baluzii *miscell. T. ii. p. 581*): Dominus noster Jesus Christus—errores illorum, qui Cathari vocantur, manifestare—volens, quemdam Episcopum doctorem, Bonacursum nomine, misericorditer gratia s. Spiritus illuminavit, et ad sinum s. matris Ecclesiae per gratiam renovavit.—Quidam illorum dicunt, Deum creasse omnia elementa, alii dicunt, illa elementa diabolus creasse: sententia tamen omnium est, illa elementa diabolus divisisse. Dicunt etiam, eundem diabolum Adam de limo terrae fecisse, et quemdam Angelum lucis in eo summa vi inclusisse, with reference to which they explain Luke 10, 30. Hevam dicunt fecisse, cum qua concubuit, et inde natus est Cain, de sanguine ejus dicunt natos esse canes, ideoque tam fideles sunt hominibus. Conjunctio Adae cum Heva, ut dicunt, fuit pomum vetitum.—Omnia, quae facta sunt in aëre, in mari, et in terra, facta esse a diabolo.—Ex filiabus Hevae et daemonibus dicunt natos esse Gigantes, qui cognoverunt per daemones patres suos, diabolus omnia creasse. Unde diabolus dolens, eos ista scire, dixit: *Poenitet me fecisse hominem* (*Gen. vi. 6*). Unde quia Noë hoc ignoravit, a diluvio liberatus est.

in which he also gives an account of a judaizing sect the Pasingini.³³

Shortly before the year 1200 the Patarenians passed from Dalmatia into Bosnia, and there became very numerous.³⁴

The Patriarchs of the Old Testament were the instruments of the devil. De dictis ss. Prophetarum dicunt quaedam esse revelata a Spiritu Dei, quaedam a Spiritu maligno. Unde Apostolus: *Omnia probate etc.* (1 Thess. v. 21). Beside the well known tenet: Non credunt Filium aequalem Patri, quia dicit: *Pater major me est* (Joan. 14, 28). Crucem dicunt characterem esse bestiae, quae in Apocalypsi esse legitur.—B. Sylvestrum dicunt Antichristum fuisse, spoken of 2 Thess. 2, 4. A tempore illo dicunt Ecclesiam esse perditam. The Consolamentum is here described as impositio manuum, quam baptismum appellant, et renovationem s. Spiritus. Ipsum diabolum credunt esse formicam, lunam dicunt esse Hevam, et per singulos menses dicunt eos fornecari, ut vir cum aliqua meretrice. Omnes stellas credunt esse daemones.

³³ Bonacursus l. c. p. 211: In primis dicunt, quod Mosaica lex sit ad literam observanda, et quod Sabbatum et Circumcisio et aliae legales observantiae adhuc habere statum debeant. Dicunt etiam, quod Christus Dei Filius non sit aequalis Patri, et quod Pater et Filius et Spiritus sanctus, istae tres personae, non sint unus Deus et una substantia. Praeterea ad augmentum sui erroris, omnes Ecclesiae Doctores et universaliter totam Ecclesiam Romanam judicant et condemnant.—Hunc suum errorem novi Testamenti ac Prophetarum testimonio asserere nitantur. cf. Specimen opusculi quod G. Bergomensis contra Catharos et Pasagios elucubrav. circ. ann. 1230 (in Murat. antiquit. Ital. medii aevi v. 152): Pasagini dicunt, Christum esse primam et puram creaturam, et vetus Testamentum esse observandum in solennibus et in circumcissione et in ciborum perceptione, et in aliis fere omnibus, exceptis sacrificiis. The origin of this sect Landulphus junior hist. Mediol. c. 41 (Muratori scriptt. rer. Ital. v. 513) derives from the excommunication, which the Archbishop of Milan in 1133 pronounced against the enemies of the Emperor Conrad and the Pope Anacletus: Ex ejus excommunicationis radice circumcisi Christum filium Virginis ignorant, et maxima pars Quiritum et Longobardorum auctorem divinae et humanae legis minime amant. Neander V. ii. 796.

³⁴ Innocentii III. ep. ad Emericum Reg. Ungar. ann. 1200 (in Ge. Fejér codex diplom. Hungariae ii. 378): Acepinus, quod, cum nuper—Spalatensis Archiepiscopus Patarenos non Paucos de Spalatensi et Traguriensi civitatibus effugasset, nobilis vir Culinus, Banus Bossinus (Ban of Bosnia), iniquitati eorum non solum tutum latibulum, sed et praesidium contulit manifestum,—ipsos pro catholicis, imo ultra catholicos honoravit; vocat eos autonomastice Christianos.—The King was called upon to oppose them, and they were forced in 1203 to submit themselves to the Roman Church, see the Professio fidei in Fejér ii. 405, which the priores illorum hominum, qui haecenus singulariter christiani nominis praerogativa vocati sumus in territorio Bosnae, omnium vice

§ 88.

CONTINUATION. WALDENSES.

Principal work: Jean Leger (Pasteur et Modérateur des Églises des Vallées, et depuis la violence de la persecution, appelé à l'Église Wallonne de Leyde) *hist. générale des églises évangéliques de Piemont, ou Vaudoises, divisée en deux livres*. Leyde 1669. fol. (publisht in German by J. F. v. Schweinitz. Breslau 1750. 4.) Also: *Hist. des Vaudois* (by Jacques Brez, a preacher among the Waldenses and an inhabitant of Utrecht). Paris, Lausanne et Utrecht 1796. 2 Tom. (in German Leipzig 1798.) *Histoire des Vaudois* par Alexis Muston (Waldenser). T. 1. Paris 1834. Fuesslin's *Kirchen- u. Ketserhist. d. mittlern Zeit* i. 293. Chr. U. Hahn's *Gesch. d. Waldenser* (2r Band der *Gesch. d. Ketser im Mittelalter*, Stuttgart 1847). (*Die gesammte Literatur von Kist verzeichnet in d. Nederlandsch Archief voor kerkelijke Geschiedenis* vi. 109).

From the Scriptural and reforming turn of mind which had been spread by means of Peter of Bruis and Henry, along with the sect of the Cathari, in Southern France, there arose from the year 1170 the party of the Waldenses:¹ free from

constituti, pro omnibus, qui sunt de dicta nostra societate fraternitatis, issued. It is remarkable, that in the whole of this they renounce not one heretical error, but only promise obedience to the Roman Church (imprimis abrenunciamus schismati, quo ducimur infamati, et Romanam Ecclesiam matrem nostram et caput totius ecclesiasticæ unitatis recognoscimus), and undertake a monastic life in conformity to its rules. Still they also add, nullum deinceps Manichæum, vel alium hæreticum ad habitandum nobiscum recipiemus, and: de cætero non Christianos, sicut hactenus, sed fratres nos nominabimus. So we cannot account them only as schismatic monks: especially when we consider, that in Dalmatia, in times earlier than this, there were many Manichæans to be found (see above note 18), and that in the 13th century they were very numerous in Bosnia. They seem to have been Bogomili: these called themselves pre-eminently Christians, led a monastic life, and when it was necessary pretended to hold every orthodox doctrine, see below § 96.

¹ Confusion has been introduced by both friend and foe into the history of the Waldenses. At first they were confounded with the Cathari or Albigenses by Catholics (as for instance by Mariana, and Gretser), in order to represent them as Manichæans; by reformed writers (as by Abbadie and J. Basnage) in order to clear the Albigenses also from the charge of Manichæism. Further, the origin of the Waldenses is often referred to an earlier period than that of

Peter Waldensis, though it is so clearly proved by the witness of contemporaries (see note 3) that he is the founder of the sect. This error arose in the following manner: as in general the beginning of corruption in the Church was dated from the Roman Bishop Sylvester, the contemporary of Constantine (see § 54. note 49. § 59. note 36. § 87. note 32): so the Waldenses also of the 13th century taught (Reinerii Summa in Martene thesaurus v., 1775), quod Ecclesia Christi permansit in Episcopis et aliis Praelatis usque ad b. Sylvestrum, et in eo defecit quousque ipsi eam restaurarunt: tamen dicunt, quod semper fuerunt aliqui, qui Deum timebant et salvabantur. But their adversaries argued as Moneta (about 1240) did adv. Catharos et Valdenses p. 402: quod universitas pauperum Leonistarum non est Ecclesia Dei—ostenditur, si ipsorum origo attendatur. Non enim multum temporis est, quod esse coeperunt, quoniam, sicut patet, a Valdesio cive Lugdunensi exordium acceperunt, qui hanc viam incepit. non sunt plures, quam octoginta anni, vel si plures aut pauciores, parum plures vel pauciores existunt. Ergo non sunt successores Ecclesiae primitivae, ergo non sunt Ecclesia Dei. Si autem dicunt, quod sua via ante Valdensem fuit, ostendant hoc aliquo testimonio, quod minime facere possunt. Accordingly it was now the interest of the Waldenses to point out those persons, among whom the true Church was upheld from Sylvester to Peter Waldus. This led by degrees to a misunderstanding, as though their sect as such was older than him. With this many fabrications connected themselves, for instance that of a founder named Leo, who is indebted for his origin entirely to Leonistae the name of the sect. Thus speaks the German author of the additions in the enlarged Summa Reinerii c. 4 (Bibl. PP. Lugd. xxv., 264): Inter omnes has sectas, quae adhuc sunt, vel fuerunt, non est perniciosior Ecclesiae, quam Leonistarum. Et hoc tribus de causis. Prima est, quia est diuturnior. Aliqui enim dicunt, quod duraverit a tempore Sylvestri: aliqui, a tempore Apostolorum. Conrad Justinger (recorder of Bern about 1420) in his Bernese Chronicle (Bern 1819. s. 385) makes out Peter Waldensis to be a disciple and companion of Pope Sylvester, who separated from him und wollt dem Pabst nit gehorsam syn. Petrus de Pilichdorff (about 1444) contra Waldenses c. 1 (Bibl. PP. Lugd. xxv., 278): iniquitatis filii coram simplicibus mentiuntur, dicentes, sectam eorum durasse a temporibus Sylvestri Papae, quando videlicet Ecclesia coepit habere proprias possessiones. Claud. Seysselli Archiep. Taurin. adv. Waldenses disputationes 1517: Nonnulli haereticis hujus assertores, ad eblandiendum apud vulgares et historiarum ignaros favorem, hanc eorum sectam Constantini M. temporibus a Leone quodam religiosissimo initium sumpsisse fabulantur, qui execrata Sylvestri Romanae urbis tunc Pontificis avaritia, et Constantini ipsius immoderata largitione paupertatem in fidei simplicitate sequi maluit, quam cum Silvestro pingui opulentoque sacerdotio contaminari, cui cum omnes, qui de christiana religione recte sentiebant, adhaesissent sub Apostolorum regula viverent. hanc per manus ad posteros verae religionis normam transmiserunt. Quo sane commento quid potest esse fabulosius? That this fabrication is of later date than the 13th century is clear from the passage of the genuine Reinerius quoted above.

all speculative enthusiasm they consecrated all their energies, to realize once again apostolic Christendom, with all its simplicity, and all its inward devotion. About that year began the founder of the sect Peter Waldensis² from Lyons, with several companions (*Pauperes de Lugduno, Leonistae, Sabatati*)³ to preach the gospel

However after the Reformation it was not only received by the reformed writers (Beza, Abbadie, J. Basnage and others) and the Waldenses (most extravagantly by J. Leger) but even adorned in many different manners. By these writers first the Waldenses without any historical ground, are brought also into an external connexion with Claudius of Turin, Peter of Bruis, Henry, Arnold of Brescia and others. On the reasons drawn from the writings of the Waldenses for their earlier origin, see below note 12. Against both of these errors here toucht upon Fuessli i., 293, ff and ii., 200, has declared himself at great length. Against the plea of the Waldenses for an antiquity reaching beyond Peter Waldensis, see *Recherches historiques sur la véritable origine des Vaudois et sur le caractère de leurs doctrines primitives*, Paris 1836.

² Among the different forms of this name (Leger p. 16) Valdo, or Waldus is the most in use, and is found already in Alanus : Stephanus de Borbone, the authority most to be trusted, has Valdensis, Moneta p. 371 Valdisius, p. 402 Valdesius and Valdensis. According to Petrus de Pilichdorff l. c. Peter was a citizen of the town of Walden, which is situated on the borders of France : According to a *Tractatus contra Waldenses*, which is appended to that of Peter of Pilichdorff (l. c. p. 300) he was from the region of Waldis (according to the *Centur. Magd. xii. p. 1204 sito in marchia Galliae*.) Comitatus Waldensis (*Prudentii Trecc. ann. ad 839 in Pertz. i. 434*, and in the document of Rudolph King of Upper Burgundy in 888 see part i. § 30. note 1.) is the country of Vaud. Waldo is a name often recurring in the middle ages, which might very easily be substituted by mistake for Waldensis. That the name Waldensis was transferred from Peter to his disciples, we have the assurance of the contemporary writers Gualterus Mapes and Alanus, and of Stephanus de Borbone and Moneta, who lived shortly after (see the quotations put in as evidence, in note 4. and 5.) Never in this period, was the name derived from the valleys in which they dwelt, or from which they drew their origin : Although even so early as this time this Heretical name, as well as that of the Cathari (§ 87 note 5.) afforded plentiful sport to arbitrary etymologists. Ebrardi liber antihaeresis cap. 25 : *Quidam autem, qui Vallenses se appellant, eo quod in valle lacrymarum mancant etc. Bernardus Abb. Pontis calidi adv. Waldenses praef. dicti sunt Valdenses, nimirum e valle densa, eo quod profundis et densis errorum tenebris involvantur.*

³ Leonistae from Leona Lyons. Sabatati Xabatenses, Inzabbattati from sabbatum (the Italian ciabatta, and French sabot), a wooden shoe, open above, such as they were wont to wear. These sabots of the

in the manner of the apostles.⁴ At first they had so little intention of separating from the Church, that when the Archbishop

Waldenses, moreover, were distinguished by the sign of the cross upon them, probably the sandals with which they were fastened, were tied crosswise. Ebrardi liber antihæresis c. 25: Xabatenses a xabata potius, quam Christiani a Christo, se volunt appellari. Sotulares cruciant, cum membra potius debeant cruciari, calceamenta coronant, caput autem non coronant. Innocentius III. lib. xv. ep. 137 describes these sabots as calciamenta desuper aperta, to distinguish them from calciamentis communibus. Chron. Ursperg. above § 68. not. 2 calceos desuper pedem præcidebant, et quasi nudis pedibus ambulabant. Petrus Mon. Vallium Cernaji below note 14 says one of the errors of the Waldenses consisted, in portandis sandaliis more Apostolorum.

⁴ Alani Summa quadripartita (comp. above § 87, not. 27) lib. ii. c. 1 (in Opp. ed. de Visch p. 258): Waldenses dicuntur a suo hæresiarcha, qui vocabatur Waldus, qui suo spiritu ductus, non a Deo missus, novam sectam invenit, scilicet ut sine Praelati auctoritate, sine divina inspiratione, sine scientia, sine literatura prædicare præsumeret. Stephanus de Borbone or de Bellavilla (a Dominican in Lyons about 1225, not 1262, as Schröckh says xxix. 530) de septem donis Spiritus sancti tit. 7, c. 31 (ex Ms. in d'Argentre i. 87): Waldenses autem dicti sunt a primo hujus hæresis auctore, qui nominatus fuit Waldensis. Dicuntur etiam Pauperes de Lugduno, quia ibi inceperunt in professione paupertatis. Vocant autem se Pauperes spiritu (because of Matth. v. 3).—Incepit autem illa secta per hunc modum, secundum quod ego a pluribus, qui priores eorum viderunt, audiivi, et a sacerdote illo,—qui dictus fuit Bernardus Ydros, qui, cum esset juvenis et scriptor, scripsit dicto Waldensi priores libros pro pecunia in Romano, quos ipsi habuerunt, transferente et dictante ei quodam Grammatico, dicto Stephano de Ansa, quem ego sæpe vidi. Quidam dives rebus in dicta urbe, dictus Waldensis, audiens Evangelia, cum non esset multum literatus, curiosus intelligere, quid dicerent, fecit pactum cum dictis sacerdotibus, altero, sic ut transferret ei in vulgari, altero, ut scriberet, quæ ille dictaret: quod fecerunt: similiter multos libros Biblicæ, et auctoritates Sanctorum multas per titulos congregatas, quas sententias appellabant. Quæ cum dictus civis sæpe legeret, et corde tenus firmaret, proposuit servare perfectionem evangelicam, ut Apostoli servaverant. Qui, rebus suis omnibus venditis, in contemptum mundi per lutum pauperibus pecuniam suam projiciebat, et officium Apostolorum usurpavit et præsumpsit: Evangelia, et ea, quæ corde retinuerat, per vicos et plateas prædicando, multos homines et mulieres, ad idem faciendum, ad se convocando, firmans eis Evangelia: quos etiam per villas circumjacentes mittebat ad prædicandum vilissimorum quorumcunque officiorum. Qui etiam, tam homines, quam mulieres, idiotæ et illiterati, per villas discurrentes, et domos penetrantes, et in plateis prædicantes, et etiam in Ecclesiis, ad idem alios provocabant. Cum autem ex temeritate sua et ignorantia multos errores et scandala circumquaque diffunderent, vocati ab Archiepiscopo Lugdunensi, qui Joannes vocabatur, prohibuit eis, ne intritterent se de Scripturis exponendis vel prædicandis.

of Lyons forbid them to preach, they petitioned the Pope Alexander III. (in 1179)⁵ for his permission. But when Lucius

*Ipsi autem recurrentes ad responsionem Apostolorum (Act. v. 29): Magister eorum usurpans Petri officium, sicut ipse respondit principibus sacerdotum, ait: Obedire oportet magis Deo, quam hominibus, qui praeceperat Apostolis: Praedicate Evangelium omni creaturae in fine Marci. Quasi hoc dixisset Dominus eis, quod dixerat Apostolis: qui tamen praedicare non praesumpserunt, usquequo induti virtute ex alto fuerunt etc.—*Hi ergo, Valdenses videlicet et sui, primo ex praesumptione et officii apostolici usurpatione ceciderunt in inobedientiam, demum in contumaciam, demum in excommunicationis sententiam. Post, expulsi ab illa terra, ad Conciliun, quod fuit Romae ante Lateranense (viz. before the iv. Later. ann. 1215, and so that of the year 1179), vocati, et pertinaces, fuerunt, schismatici postea judicati. Postea in Provinciae terra et Lombardiae cum aliis haereticis se admiscentes, et errorem eorum bibentes et serentes, haeretici sunt judicati—infestissimi et periculosissimi, ubique discurrentes, speciem sanctitatis et fidei praetendentes, veritatem autem ejus non habentes, tanto periculosiores, quanto occultiores, se sub diversis hominum habitibus et artificiiis transfigurantes.—Incepit autem haec secta circa annum ab Incarn. Domini 1170 sub Joanne dicto Belesmanis, Archiepiscopo Lugdunensi. Jean de Bellesmains, formerly Bishop and companion of the Legate Peter of St. Chrysogonus in his mission to Toulouse (Hist. de Languedoc iii. 47), after the preceding Bishop had been deposed, was advanced in 1181 to the see of Lyons (l. c. p. 58.) This account is repeated from Stephanus de Borbone, by an anonymous writer in the tractatus de haeresi Pauperum de Lugduno (in Martene thesaur. v. 1777), but instead of 1170 he fixes the year 1180. Compare the first appearance of Francis of Assisi, above § 68.

⁵ Compare Steph. de Borbone above note 4. Gualterus Mapes (see above § 62, note 20) ex Ms. ap. Usserium de christ. Eccles. successionem et statu ed. ii. Lond. 1682. fol. p. 112: Vidimus in concilio Romano sub Alexandro III. celebrato Valdesios, homines idiotas illiteratos, a primate ipsorum Valde dictos, qui fuerat civis Lugduni super Rhodanum: qui librum domino Papae praesentaverunt lingua conscriptum Gallica, in quo textus et glossa Psalterii plurimorumque legis utriusque librorum continebatur. Hi multa petebant instantia, praedicationis auctoritatem sibi confirmari.—Hi certa nusquam habent domicilia, bini et bini circumeunt, nudi pedes, laneis induti, nihil habentes, omnia sibi communia tanquam Apostoli, nudi nudum Christum sequentes: humillimo nunc incipiunt modo, quia pedem inferre nequeunt; quos si admiserimus, expellemur. Moneta (about 1240) adv. Catharos et Valdenses lib. v. c. 1. (ed Ricchini p. 402) says to the Waldenses: Vos venistis a Valdesio. Dicatis, unde ipse venit. Constat, quod non nisi a papa Romanae Ecclesiae. Ergo Papa est solus haeres Ecclesiae primitivae. Si autem dicat, quod non sit a Papa: ad quid ergo venit ad Papam, et promisit servare IV. Doctores, scil. Ambrosium, Augustinum, Gregorium et Hieronymum, et sic

III. (in 1184)⁶ pronounced sentence of excommunication against them; then they thought they must obey God rather than man, and withdrew from a church, which cursed that which seemed to them a call from Heaven. At first the only question at issue between them and the Roman Church was on the exclusive right of the clergy to preach: And they spread themselves more easily in those countries, where the deficiency of the Church was exposed plainly enough for the conviction of all, but where many still felt themselves not less repulsed by the Catharism, which was set up in opposition:⁷ for instance in France particularly the southern parts,⁸ down as far as Aragon,⁹ and in northern

accepit a Papa praedicationis officium? Cujus rei testimonium facile potest inveniri. So even in the 14th century the Waldenses had the tradition (see Röhrich in Illgen's Zeitschr. f. hist. Theol. 1840. i. 149. a note from an old court register in Strasburg), *das vor 200 joren der gloube vaste abe lüten gangen, und lebent zu derselben ziten zweene von den genant waldensium, di warent gen Rome geforen zu dem bobeste, und hetten an dem geworben den glouben, den si seitent, und solte das der rechte gloube seyn, und hette in der bobest die elristenheit dazu empfolen in den glouben wiederzubringende.* In the tradition the occurrence in the time of Alexander III. seems to be confounded with the establishment of the *Pauperes catholici* under Innocent III. (see below § 90, note 27.)

⁶ Lucii decretum contra Haereticos (Decr. Greg. lib. v. tit. 7. c. 9, and Mansi xxii. 476, issued at the Concil. Veronense ann. 1184, l. c. p. 488. 492):—*In primis ergo Catharos et Patarinos, et eos, qui se Humiliatos vel Pauperes de Lughino falso nomine mentiuntur. Passaginos, Jospinos, Arnaldistas perpetuo decernimus anathemate subjacere. Et quoniam nonnulli sub specie pietatis, virtutem ejus, juxta quod ait Apostolus, denegantes, auctoritatem sibi vindicant praedicandi: cum idem Apostolus dicat: quomodo praedicabunt, nisi mandantur? (Rom. x. 15) omnes qui vel prohibiti, vel non missi, praeter auctoritatem ab apostolica sede vel Episcopo loci susceptam, publice vel privatim praedicare praesumpserint,—pari vinculo perpetui anathematis innodamus etc.*

⁷ Guilelmus de Podio Laurentii (see above § 87, note 28) in prologo: *Et illi quidem Valdenses contra alios (Arianos et Manichaeos) acutissime disputabant. Unde et in eorum odium alii admittebantur a sacerdotibus idiotis.* Compare below note 13 and 14.

⁸ About 1190 there was a conference in Narbonne between the Catholics and Waldenses, see Bernard de Fonte calido below note 15. In the year 1207, the wife and one sister of the Count de Foix, had joined the Waldenses, see below § 89, note 5.—In Toul (see statuta synodalia Odonis Episc. Tullensis, ann. 1192 in Martene thes. anecd. iv. 1182: *De haereticis autem, qui vocantur Waldenses, omnibus fidelibus—praecipimus, ut quicumque eos invenerint, vinculis astrictos*

Italy particularly in Milan.¹⁰ And in every place where they came fresh zeal went forth from them among the people, to learn to understand Holy Scripture for themselves.¹¹

However, by consistently carrying out the fundamental principle upon which they had dissented from the Church, and by diligent reading of Holy Scripture, they could not fail to be led

teneant, et ad sedem Tullensem puniendos adducant); and in Metz (Alberici chron. ad ann. 1200: in urbe Metensi pullulante secta quae dicitur Valdensium, directi sunt quidam Abbates ad praedicandum, qui quosdam libros de Latino in Romanum versos combusserunt et praedictam sectam extirpaverunt. Cf. Caesarii Heisterbac. de miraculis et visionibus sui temporis lib. v. c. 20, according to whom even in his time, about 1222, they were not yet entirely exterminated.)

⁹ There is an edict of Alphonso II. king of Aragon in the year 1194 (in Nic. Eymerici directorio Inquisitorum p. 282. edit. Venet. in d'Argentré i. 83):—Si quis igitur ab hac die et deinceps praedictos Waldenses et Zappatatos (above: Waldenses, sive Inzabbatatos, qui alio nomine se vocant Pauperes de Lugduno) aliosque haereticos, cujusque fuerint professionis, in domibus suis recipere, vel horum funestam praedicationem aliquo loco audire, vel his cibum, vel aliud aliquod beneficium largiri praesumpserit, indignationem omnipotentis Dei et nostram se noverit incurrisse, bonisque suis, absque appellationis remedio, confiscandis, se, tanquam reum criminis laesae majestatis puniendum.

¹⁰ Innocent. III. lib. xii. epist. 17 ad Archiepisc. Mediolanensem in the year 1209 mentions a pratum, quod commune Mediolanense ipsis olim concesserat, in quo sua schola constructa consueverant convenire ac exhortari fratres adinvicem et amicos, quam lonae memoriae praedecessor tuus destrui fecerat, dum essent excommunicationis vinculo innodati. Thus in the diocese of Besançon a Waldenser was taken prisoner, who according to Stephanus de Borbone ap. d'Argentré l. c. p. 86 for eighteen years apud Mediolanum studuerat in secta haeticorum Waldensium.

¹¹ So in Metz comp. above note 8. Innocent. III. lib. ii. ep 141. ad universos Christ. tam in urbe Metensi quam ejus diocesi constitutos ann. 1199 (also Decr. Greg. lib. v. tit. 7. c. 12): Significavit nobis ven. frater noster Metensis Episcopus per literas suas, quod tam in diocesi quam urbe Metensi laicorum et mulierum multitudo non modica, tracta quodammodo desiderio Scripturarum, Evangelia, epistolas Pauli, psalterium, moralia Iob. et plures alios libros sibi fecit in Gallico sermone transferri, translationi hujusmodi adeo libenter, unanimum autem et prudenter, intendens, ut secretis conventionibus talia inter se laici et mulieres eructare praesumant, et sibi invicem praedicare: qui etiam asperrantur eorum consortium qui se similibus non immincent, et a se reputant alienos, qui aures et animos talibus non apponunt. Quos cum aliqui parochialium sacerdotum super his corripere voluissent, ipsi eis in faciem restiterunt, conantes rationes inducere de Scripturis, quod ab

onward step by step. How far they advanced in the 12th century, we are able to ascertain, partly from their own literary remains,¹² partly from the writings of their adversaries of this

his non deberent aliquatenus prohiberi. Quidam etiam ex eis simplicitatem sacerdotum suorum fastidiunt, et cum ipsis per eos verbum salutis proponitur, se melius habere in libellis suis, et prudentius se posse id eloqui, submurmurant in occulto. Licet autem desiderium intelligendi divinas Scripturas, et secundum eas studium adhortandi reprehendendum non sit, sed potius commendandum; in eo tamen apparent merito arguendi, quod tales occulta conventicula sua celebrant, officium sibi praedicationis usurpant, sacerdotum simplicitatem eludunt, et eorum consortium aspernantur, qui talibus non inhaerent.—Tanta est enim divinae Scripturae profunditas, ut non solum simplices et illiterati, sed etiam prudentes et docti non plene sufficiant ad ipsius intelligentiam indagandam.—Unde recte fuit olim in lege divina statutum, ut bestia, quae montem tetigerit, lapidetur; ne videlicet simplex aliquis et indoctus praesumat ad sublimitatem Scripturae sacrae pertingere, vel etiam aliis praedicare. Scriptum est enim: *Alliora te ne quaesieris*. Propter quod dicit apostolus: *Non plus sapere, quam oportet sapere, sed sapere ad sobrietatem*.—Cum Doctorum ordo sit quasi praecipuus in Ecclesia, non debet sibi quisquam indifferenter praedicationis officium usurpare etc. He says the same in Epist. 142. ad Episc. Metensem with the remark quod vel iidem errent in fide, vel a doctrina discrepent salutari, nobis per tuas literas non duxisti exprimendum.

¹² Concerning these see Hahn ii. 3: the greater portion of them are printed in Hahn ii. 561. Many of these ever since Leger's time have been referred to a period between 1100 and 1120: this, however, is without doubt wrong. At the head of them stands the Poem La nobla Leycezon (in Raynouard choix des poésies originales des Troubadours ii. 73. in Hahn ii. 628.) From the passage (quoted in Raynouard p. 73):

Ben ha mil e cent ancز compli entierament,
Que fo scripta l'ora: car sen al derier temp.

The world has already completed a thousand and a hundred years,—since the hour was appointed: therefore we are in the last time—according to Leger it has always been concluded that this poem professes to have been written in the year 1100. But the reckoning here is plainly not from the birth of Christ, but probably from the writing of the Apocalypse, which, according to Irenaeus should be placed at the end of Domitian's reign, and so this number of years extends to the close of the 12th century. The whole is a simple and forcible exhortation to Christian life and faith, with bitter censures on the demoralised clergy. Among other passages see p. 95.

Si n'i a alcun bon, que ame et teme (*timet*) Yeslu Xrist,
Que non volha maudire, ni jurar, ni mentir,
Ni avoutrar (to commit adultery), ni aucir (*occidere*), ni penre
(*prendre*) de l'autrui.

date; among these Eberhard of Bethune,¹³ and Peter of Vaux-Cernay,¹⁴ make only cursory mention of the Waldenses: but

Ni venjar (*venger*) se de li seo enemis,
Ilh dion (*disent*), qu'es *Vaudes* e degne de murir.

Further, p. 97: No Pope from Sylvester till now can forgive sins: "solament Dio perdona." According to this the Popedom first began with Sylvester. The rest of the poésies des Vaudois contributed by Raynouard and Hahn breathe the same spirit (viz. La Barca, Lo novel sermon, Lo novel comfort, Lo Payre (*Père*) eternal, Lo despreczi del mont (contempt of the world), L'avangeli de li quatre semenz (in reference to Matth. xiii. 3 ff.): accordingly they likewise undoubtedly belong to the first age of the sect. Comp. on the collective Poesies des Vaudois Raynouard in the dissertations at the beginning of T. ii. p. cxxxvii, on their doctrinal views, Hahn ii. 71. The rest of the works, for which we are indebted to Leger, namely, a Catechismus daté de l'an 1100 p. 53, Abhandlungen über den Antichrist daté de l'an 1120 p. 71, über das Fegfeuer de l'an 1126 p. 83 über die Anrufung der Heiligen de l'an 1120 p. 87, and a Glaubensbekenntniß de l'an 1120 p. 92, bear traces on the other hand of a controversial development in doctrine, which points to a later date, so long as we have no information, on what authority the year of each is here determined. The mention of the adoration of the Eucharist on p. 74 also directly contradicts the date assigned (see above § 77. note 14.) The passage on p. 95: Nous non avèn conegu (connu) autre Sacrament, que lo Baptisme, e la Eucharistia, is already manifestly opposed to the seven Catholic sacraments (comp. above § 77. note 20.)

¹³ Ebrardi lib. antihaeresis (see above § 87. note 25) cap. 25: Quidam autem, qui Vallenses se appellant, eo quod in valle lacrymarum maneant, Apostolos habentes in derisum, et etiam *Xabatates* a *Xabatata* potius, quam Christiani a Christo se volunt appellari, Sotulares cruciant, cum membra potius debeant cruciare: calceamenta coronant, caput autem non coronant. The accusations made are, that they did not work for their bread, but begged, and preached on their own authority. He brings against them no definite errors in faith. Quamvis enim contra fidem multa doceant, tamen quaedam bona permiscant, ut dum bonum conferunt, malum abscondant, more veneficorum, qui dum venena porrigunt, ora calicis melle liniunt.—Quia in quibusdam nobis communicatis, in aliis non dissentitis, hostes estis tanquam domestici.

¹⁴ Petrus Mon. Vallium Cernaji c. 2 after the passage quoted above, § 87. note 28, writes thus: Erant praeterea alii haeretici, qui Waldenses dicebantur a quodam Waldio nomine, Lugdunensi. Hi quidem mali erant, sed comparatione aliorum haeticorum longe minus perversi. In multis enim nobiscum conveniebant, in aliquibus dissentiebant. Ut autem plurima de infidelitatibus eorum omittamus, in quatuor praecipue consistebat error eorum: in portandis scilicet sandaliis, more Apostolorum; et in eo quod dicebant, nulla ratione jurandum, vel occidendum; in hoc insuper, quod asserebant, quemlibet eorum in necessitate, dum-

Bernard, Abbot of Fontcaude,¹⁵ in his account of a religious

modo haberet sandalia, absque ordinibus ab Episcopo acceptis, posse conficere corpus Christi.

¹⁵ Bernardus Abb. Fontis calidi contra Valdenses (prim. ed. Jo. Gretser in Triade scriptorum adv. Wald., afterward in Bibl. PP. Lugdun. xxiv. 1585.) Praef. Sanctae Romanae Ecclesiae praesidente domino Lucio, inclitae recordationis, subito extulerunt caput novi haeretici, qui quodam praesagio futurorum sortiti vocabulum, dicti sunt Valdenses, nimirum a Valle densa, eo quod profundis et densis errorum tenebris involvantur. Hi, quamvis a praefato summo Pontifice condemnati, virus suae perfidiae longe lateque per orbem temerario ausu evomuerunt. Eapropter contra eos pro Ecclesia Dei dominus Bernardus Narbonensis Archiepiscopus (Bernard Gaucelin, Archbishop from 1181—1191. Cf. Hist. de Languedoc iii. 128)—se fortem murum opposuit. Accitis itaque pluribus tam clericis quam laicis, religiosis ac saecularibus, ad iudicium vocavit. Quid plura? Causa diligentissime investigata condemnati sunt. Nihilominus tamen postea, et clam et publice, semen suae nequitiae spargere ausi sunt. Unde rursus, quamvis ex abundanti ad discipationem vocati sunt per quosdam tam clericos quam laicos: et, ne lis diutius protraheretur, electus est ab utraque parte iudex, quidam sacerdos, Raimundus scil. de Daventria, vir siquidem religiosus ac timens Deum, nobilis genere, sed conversatione nobilior. Assignata igitur die causae adveniente, congregatis invicem partibus, aliisque quam plurimis clericis et laicis, de quibusdam capitulis, in quibus male sentiebant, a veris Catholicis accusati sunt: eisque per singula respondentibus hinc inde diu disputatum est, et ab utraque parte multae productae auctoritates. Auditis igitur partium allegationibus praefatus iudex per scriptum definitivam dedit sententiam, et haeticos esse in capitulis, de quibus accusati fuerant, pronunciavit. Quibus autem auctoritatibus vel rationibus suam assertionem defenderent: quidve eis a nobis Catholicis responsum sit:—praesenti inteximus opusculo. adjectis etiam quibusdam aliis tractatibus contra alias haereses. Haec autem omnia fecimus maxime ad instruendos vel commonendos quosdam Cleros, qui, vel imperitia vel librorum inopia laborantes, hostibus veritatis non resistendo, facti sunt in offensionem et scandalum fidelibus, quibus praesunt etc. The points of accusation against the Waldenses are, I. In primis arguuntur de inobedientia, quia scilicet non obediunt Ecclesiae Romanae,—nec Episcopis, nec sacerdotibus obtemperant (cap. 1—3), but the reasons why the Waldenses did not do so are not given. II. cap. 4: Secundo praedicant omnes passim, et sine delectu conditionis, aetatis vel sexus. Et quoniam in hoc errore multi eorum, qui specie tenus Christiani dicuntur, seducuntur, gratia revocandi ipsos, et reliquos confirmandi,—videamus, quibus rationibus—instantur ipsi, quidve a Catholicis dicatur contra eas infruandas,—et tertio loco, quid in sua assertionem Catholici inducant. The Waldenses asserted, ab omni, qui scit verbum Dei in populis seminare, praedicandum esse, and referred, by way of proof, to James iv. 17, and the declarations of Gregory the Great: qui in corde vocem superni amoris acceperit, foras etiam proximis vocem exhortationis reddat, and, In quantum pro

conference held about 1190 in Narbonne, and Alanus,¹⁶ attack them in detail.

divina largitate sufficitis, proximis vestris boni verbi cyathos date; and to Mark ix. 38, 39; Phil. i. 15—18; Num. xi. 29. They said further, quod multi laici verbum Dei in populo fideli disseminaverunt, sicut fuit *b. Honoratus et s. Equitius*, quorum meminit s. Gregorius in lib. Dialog. et in his temporibus *s. Raymundus cognomento Paulus*, ad cuius sanctitatem approbandam multa fiunt miracula.—On the other side Bernard, in cap 5, unfolds the positive reasons for the statement, *quod non licet eis verbum Dei ministrare fidelibus*: Et quoniam de laicis quaestio est, an verbum Dei seminare valeant in populis, distinguendum est, an sint Catholici, vel non. Nimirum si sint Catholici, et honestas vitae eos commendet, si sermo eorum sit sale conditus etc.—ad nutum Episcoporum, vel Presbyterorum, in quorum territorio fuerint, proximos exhortari, ut arbitror, poterunt: si tamen uxoribus alligati non fuerint, nec eos pondus terrenae sollicitudinis oppressit. Cap. 6: Sane sive laicus, sive clericus in haeresim lapsus fuerit, a fidelibus audiendus non est, sed vitandus.—Tales sunt, qui dicunt, non esse obediendum Episcopis, sacerdotibus, nec, quod dictu horribile est, s. Romanae Ecclesiae. Afterwards in answer to their plea, *obedire oportet Deo magis, quam hominibus*.—Provocant vero iram Dei in se, quia aliter quam s. Ecclesia docent. This must refer to their Scriptural method of teaching, for disobedience was always given out as their only heresy. Cap. 7: Seducunt mulieres prius, per eas viros. Cap. 8: Praeter errores jam dictos graviter errant, quia foeminas, quas in suo consortio admittunt, docere permittunt against 1 Cor. xiv. 34. In support of this they appeal to Tit. ii. 3, 4, and Luke ii. 36.—Cap. 9: Et quoniam mos est male errantium, nisi continuo respiciant, in deteriora labi,—audent jam insani haeretici eis, quos seducunt, dicere, defunctis nil prodesse fidelibus vivorum eleemosynas, jejunia, orationes, nec etiam Missarum solemnias, seu orationes pro eis factas. In support of this they appeal to John xii. 35; 2 Cor. vi. 2; Gal. vi. 10; Eccl. ix. 10; Ps. cv. 1. Then follow some treatises against other heretics, viz. cap. 10: qui negant ignem purificationis; cap. 11: qui dicunt, animas nec caelum nec infernum ingredi ante iudicium; sed animas iustorum placidis contineri receptaculis, reproborum vero spiritus in locis poenalibus; cap. 12: qui domum Dei contemnentes, malunt orare in stabulis, vel in cubiculis, seu in thalamis, quam in—Ecclesia.

¹⁶ Alani Summa quadripartita lib. ii. (comp. § 87, note 27.) He proves against them in cap. 1: quod nullus debeat praedicare, nisi sit a maiore. Praelato missus; he overthrows, cap. 2—4, their assertion, neminem debere alicui obedire, nisi Deo; and then in cap. 5—7, attacks those who say, quod bonis Praelatis tantum sit obediendum; cap. 8, qui dicant, quod Officium vel Ordo nihil confert ad consecrandum, vel benedicendum, ad ligandum et solvendum; cap. 9 and 10, qui dicunt, quod non tenetur quis confiteri sacerdoti, si praesto sit laicus; cap. 11, quod generales absolutiones, quae fiunt ab Episcopis in variis officiis, non sint ratae; cap. 12—14, quod suffragia illa, quae fiunt ab illis, qui

§ 89.

WAR AGAINST THE ALBIGENSES. INQUISITION, PROHIBITION
OF THE BIBLE.

Petrus Vallium Cernaji historia Albigenſium (Rerum Gall. et Francie. ſcriptores xix. 1), and Guilelmus de Podio Laurentii ſuper historia negotii Francorum adv. Albigenſes (l. c. p. 193. Concerning both ſee above § 87, note 28.) Histoire de la croisade contre les hérétiques Albigeois, écrite en vers provençaux par un poète contemporain, traduite et publiée par E. Fauriel, Paris 1837. 4. (in the Collection de documents inédits ſur l'histoire de France, première ſérie.) There is a later work in proſe by the ſame author, the Histoire de la guerre des Albigeois, écrite en Languedocien, par un ancien auteur anonyme in the Histoire de Languedoc. T. iii. Preuves p. 1.

Histoire générale de Languedoc, par un Religieux Bénédictin de la Congr. de S. Maur. (Claude le Vie and Joseph Vaisſette) tom. iii. (Paris 1737. fol.) p. 127 ſſ.¹ Histoire des croisades contre les Albigeois par J. J. Barrau et B. Darragon, 2 tomes, Paris 1840. Schloſſer's Weltgeſchichte III. ii. i. 187. Hurter's Innocenz III. ii. 263. Hahn's Geſch. d. Ketſer im Mittelalter i. 171.

The earlier meaſures taken againſt the heretics in Southern France, had cauſed ſo little hindrance to their extension, that they conſtituted the dominant party² at the end of the 12th

sunt in peccato mortali, non proſunt mortuiſ; cap. 15—17, quod omne mendacium eſt peccatum mortale; cap. 18, 19, quod nullo modo eſt jurandum; cap. 20—23, quod nullo modo homo eſt occidenduſ; cap. 24, 25, quod Praedicatores non debent laborare manibuſ.

¹ Theſe Benedictines by their candid impartiality, drew upon themſelves the reproaches of the Jeſuits of Trevoux, againſt which they defended themſelves with conſummate ſkill in the preface to tom. iv.

² Petrus Vall. Cernaji c. 1: Haec Tolosa tota dolosa a prima ſua fundatione, ſicut aſſeritur, raro vel unquam expers huiuſ peſtiſ vel peſtilentiae deſteſtabiliſ huiuſ haereticae pravitaſ, a patribuſ in filiſ ſucceſſive veneno ſuperſtitioſae infidelitaſ diſfuſo.—Vicinae urbeſ et oppida radieantiſ in ſe haereſiarchiſ per ejuſdem infidelitaſ ſurculoſ pullulantēſ inficiebantur mirabiliter et miſerabiliter peſte iſta. Baroneſ terrae provincialiſ fere omneſ haereticorum deſenſoreſ et receptoreſ effecti ipſoſ amabant ardentiuſ, et contra Deum et Eccleſiam deſende-
bant. Guilelm. de Podio Laur. in prologo: Adeo profece-
runt haeretici, quod per villaſ et oppida habere ſibi hoſpitia, agroſ et vineaſ in-
ceperunt, domoſ latiffimaſ, in quibuſ haereſeſ publice praedicarent ſuiſ
credentibuſ venditanteſ. Erantque quidaſ Ariani, quidaſ Manichaei,
quidaſ etiam Valdeneſ ſive Lugdunenſeſ, qui licet inter ſe eſſent
diſſidenteſ, omneſ tamen in animarum perniciem contra fidem catholi-

century in many parts of this country. For this reason Innocent III., immediately after his accession to the see in 1198, was induced to send Legates thither armed with the most unlimited powers for the suppression of heretics.³ After that they had produced by forcible measures, effects more apparent than real, Diego Bishop of Osma, with Dominic the subprior of his Cathedral, persuaded them in the year 1206 to adopt a more apostolical way of proceeding.⁴ Now the

cam conspirabant. Et illi quidem Valdenses contra alios acutissime disputabant : unde et in eorum odium alii admittebantur a sacerdotibus idiotis. Propter quod terra tanquam reproba et maledictioni proxima pauca praefer spinas et tribulos germinabat, raptores et ruptarios, fures, homicidas, adulteros et usurarios manifestos. Capellani autem tanto contemptui habebantur a laicis, quod eorum nomen ac si Judaei essent in juramentum a pluribus sumebatur. Unde, sicut dicitur : *mallem esse Judaeus*, sic dicebatur : *mallem esse Capellanus*, quam hoc vel illud facere. Clerici quoque si prodirent in publicum, coronas modicas prope frontem pilis occipitis occultabant. Milites enim raro suos liberos clericatui offerebant : sed ad Ecclesias, quarum tunc ipsi decimas percipiebant, hominum suorum filios praesentabant. Et Episcopi quales pro tempore poterant clericabant : ipsi quoque milites dominationem contemnentes, prout libebat, nemine prohibente his aut illis haereticis adhaerebant, et haeretici in tanta reverentia habebantur, quod habebant coemeteria, in quibus, quos haereticaverant, publice tumulabant, a quibus lectos integros et vestes recipiebant : quibus et largius quam personis ecclesiasticis legabantur : ipsi nec ad excubias, nec ad tallias cogebantur. Si quis etiam homo de guerra gradiens cum eis in via inveniretur, ab hostibus tutus erat : sic pro magna parte diabolus per illos terram in pace sua, velut suum atrium, possidebat.

³ Innocent III. lib. i. epist. 94 to all the Bishops and Barons of Southern France, an attestation of the Legates Rainerius and Guido, two Cistercians, with the charge to the Bishops, ut omnia, quae idem frater Rainerius contra haereticos, fautores et defensores eorum duxerit statuenda, recipiatis humiliter et inviolabiliter observetis : and to the Barons, ut eis contra haereticos viriliter et potenter assistant : There is a threat withal : Dedimus autem dicto fratri R. liberam facultatem, ut eos (Principes) ad id per excommunicationis sententiam, et interdictum terrae appellatione remota compellat. In conclusion : Scribimus etiam universo populo vestrae provinciae, ut cum ab eisdem fratribus R. et G. fuerint requisiti, sicut ipsi mandaverint, contra haereticos accingantur : illis, qui pro conservatione fidei christianae in tanto discrimine, quod Ecclesiae imminet, ipsis adstiterint fideliter et devote, illam peccatorum suorum indulgentiam concedentes, quam b. Petri vel Jacobi limina visitantibus indulgemus. Lib. ii. epist. 122 is the warrant given to Rainerius.

⁴ Petrus Vallium Cernaji c. 3 : Factum est igitur, ut dum rediret (Diego, Episc. Oxomensis) a curia : et esset apud Monttempessulanum,

two Legates, the Cistercians Peter of Castelnau and Raoul, with these two Spaniards, wandered barefoot from place to place and held conferences with the heretics on the disputed points, viz. at the castles of Verfeuil, Caraman, Montreal, and Pamiers (1206 and 1207).⁵ When however all this continued without effect,⁶ they returned again to the old method with tenfold cruelty.

Raymund VI. Count of Toulouse, though outwardly a Catholic,⁷ had fallen out with the ambitious Legate Peter of Castelnau. So when the latter in 1208 was murdered by an unknown hand, the Monks threw the blame on the Count; and Innocent III. seized this opportunity, to have a crusade preached against him by Arnold Abbot of Citeaux;⁸ for which national jealousy and the

invenit ibi venerabilem virum Arnaldum Abbatem Cisterciensem, et F. Petrum de Castronovo, et F. Radulphum, Monachos Cistercienses, apostolicæ sedis Legatos, injunctæ sibi legationi prae tædio renunciare volentes, eo quod nihil aut parum hæreticis prædicando proficere potuissent. Quotiescunque enim vellent ipsis hæreticis prædicare, objiciebant eis hæretici conversationem pessimam clericorum, et ita, nisi vellent clericorum vitam corrigere. oporteret eos a prædicatione desistere. Memoratus autem Episcopus adversus hujusmodi perplexitatem salubre dedit consilium, moneas et consulens, ut cæteris omiſsis prædicationi ardentius insudarent; et ut possent ora obstruere malignorum in humilitate præcedentes exemplo pii magistri facerent et docerent; irent pedites, sine auro et argento, per omnia formam apostolicam imitantes.

⁵ Concerning these see Petrus Vall. Cernaji c. 3 and 6, and Guilelm. de Podio Laur. c. 8 and 9. On the conference at Montreal, Vignier recueil de l'hist. de l'église (Leyde 1601. fol.) p. 410 gives some information from a manuscript in the Catalonian language: so also Perrin histoire des Chrestiens Albigeois (Genève 1618) p. 8 from an Albigenian manuscript. The opponents in the first three conferences seem to have been Cathari. In Pamiers, at the castle of Count Raymund Roger of Foix, whose wife and one sister were Waldenses, while the other sister belonged to the Cathari, the Waldenses were the party attackt. One sister defended the heresy: cui F. Stephanus de Minia: *Ite, domina, inquit, filate colum vestram, non interest vestra loqui in hujusmodi contentione.* (Guilelm. de Podio Laur. c. 8.)

⁶ On the redoubled activity of the Catharic teachers, and the rebuilding of the strong castle Montségur, to serve as a place of refuge for them, see Schmidt in the Strassburger Beiträge zu den theol. Wissenschaften i., 110.

⁷ Inwardly beyond doubt he was united to the Cathari, see Schmidt S. 95 and other places.

⁸ Innocent III. lib. xi. epist. 26 to the Bishops of Southern France:

allurements of the delicious south procured great popularity in Northern France.⁹ In order to avert the threatening danger, Raymund sought for reconciliation. Innocent granted this with a view to weaken the resistance of the victims by division.¹⁰ When (in June 1209) the Count submitted to the most humiliating conditions which Milo the Papal Legate prescribed to

Sane rem audivimus detestabilem,—quod cum sanctae memoriae F. Petrus de Castronovo—in commisso sibi ministerio laudabiliter profecisset;—concitavit adversus eum diabolus ministrum suum Comitem Tolosanum etc. Then follows a detailed account of the murder of the Legate. Licet autem praefatus Comes—jam dudum sit anathematis mucrone percussus, quia tamen certis indiciis mortis sancti viri praesumitur esse reus,—ob hanc quoque causam anathematizatum eum publice nunciatis.—Omnes, qui dicto Comiti fidelitatis seu societatis aut foederis hujusmodi juramento tenentur astricti, auctoritate apostolica denunciatis ab eo interim absolutos; et cuilibet catholico viro licere, salvo jure domini principalis, non solum persequi personam ejusdem, verum etiam occupare ac detinere terram ipsius etc. Epist. 28. is the summons to King Philip: Clamantem ad te justī sanguinis vocem audias, et contra tyrannum hostemque fidei scutum pro Ecclesia protectionis assumes. Epist. 29. is a similar exhortation addressed to the French nobles and people. cf. epist. 32. ad Abb. Cisterciensem and epist. 33. ad Turon. Archiep. et Paris. et Nivern. Episcopos. Yet Raymund was guiltless of the murder, see Hist. de Languedoc iii. 154, and even Innocent III. afterwards owned that he never was convicted of the crime, lib. xv. ep. 102 (below note 17).

⁹ Hurter's Innocenz iii. ii., 300. Schmidt in the Strassburger Beiträgen i., 116.

¹⁰ Compare the Papal instructions to the Legates, Innocent III. lib. xi. epist. 232: Licet nobis jamdudum Comes Tolosanus per suos nuncios supplicaverit, ut super comitatu Melgoriensi, qui b. Petri juris et proprietatis existit, fidelitatem ab eo recipere dignaremur,—preces suas non duximus admittendas etc.—Quia vero a nobis est sollicitè requisitum, qualiter procedendum sit circa comitatum eundem fidei exercitui signatorum, id vobis providimus suadendum: quatenus ad Apostoli dicentis, Cum essem astutus, dolo vos cepi (2 Cor. xii. 16), magisterium recurrentes,—divisos ab Ecclesiae unitate divisim capere studeatis. Dummodo videritis, quod ex hoc idem Comes vel aliis minus assistere, vel per se ipsum minus debeat insanire; non statim incipiat ab ipso, sed eo primum arte prudentis dissimulationis eluso, ad extirpandos alios haereticos transcat, ne si squamis Leviathan sese conjungentibus una vi fueritis simul omnes aggressi, tanto demum hujusmodi satellites Antichristi difficilius possint conteri.—Sic enim et illi facilius sterni poterunt, remissius adjuti per istum; ac iste illorum interim visa strage ad cor fortasse redibit, vel si perseveraverit in malitia, tandem contra ipsum et solum et destitutum levius procedatur.

him, and even took the cross himself from his hands;¹¹ he only effected the delay of the blow destined for himself, that it might strike with so much the greater certainty.

The crusading army assembled against the Albigenses,¹² with the frantic Arnold as Papal Legate at its head, first marched upon the domain of Raymund Roger, Viscount of Beziers (1209.) After the fall of Beziers¹³ and Carcassone,¹⁴ the devastated land was conquered. But among the noble crusaders only Simon de Montfort was willing to receive the spoil from the Legate. Next they turned against Raymund of Toulouse, who had been spared till now. Extravagant demands,¹⁵ which he could not

¹¹ Petrus Vall. Cern. c. 9—13. Processus negotii Raymundi Comitis Tolos. after Innocent III. lib. xii. ep. 85 (ed. Baluzii ii. 346.) Comp. epist. 90, a letter of Papal good wishes to Raymund.

¹² The entire territory of the Viscount of Albi, Beziers, Carcassone, and Rasez was called Albigeois, Albigesium in the wider sense of the word. So Albigenses from this time forth became a heretical name, at first for all the enemies of the crusading army, afterwards for the Cathari. Hist. de Languedoc iii. 553.

¹³ Then it happened as Caesarius Heisterbac. lib. v. c. 21. relates, that Arnold when asked by the Crusaders: *Quid faciemus, domine? Non possumus discernere inter bonos viros et malos* (Catholics and heretics): answered: *Caedite eos; novit enim Dominus, qui sunt ejus.* This terrible man in his letter announcing their victory to the Pope (inter epistt. Innoc. III. lib. xii. ep. 108) relates himself with triumph: *nostri non parcentes ordini, sexui, vel aetati, fere viginti millia hominum in ore gladii peremerunt: factaque hostium strage permaxima, spoliata est tota civitas et succensa, ultione divina in eam mirabiliter saeviente.*

¹⁴ On the faithless manner of the conquest, and imprisonment of the Viscount see. Hist. de Languedoc. iii. 173.

¹⁵ Although in 1210 Raymond had gone in person to Rome, and had met with a friendly reception, and a recognition of his right from the Pope, see Hurter's Innocenz III. ii. 354. Compare especially the letter of the inhabitants of Toulouse to Peter, King of Aragon, in the year 1211 (Preuves de l'hist. de Lang. iii. 232): Dom. Abbas Cisterciensis nuncios suos cum literis ad nos direxit, praeicipiens, ut omnes illos, quos sui nuncii credentes haereticorum nominarent, cum omnibus eorum rebus, Baronibus exercitus tradere non differremus, ut ipsi ad cognitionem Baronum—se purgarent: quod nisi faceremus, nos et nostros consiliarios excommunicabat, et villam nostram interdicebat. Illi vero, quos credentes haereticorum nominaverunt, a nobis inquisiti, se non esse haereticos vel credentes haereticorum constanter responderunt, et sese stare juri in continenti judicio Ecclesiae promiserunt. Nos vero illos haereticos vel credentes haereticorum esse ignoravimus. —Nos autem literis et nunciis respondentes, diximus, quod omnes illi,

satisfy formed the pretext, for excommunicating and attacking him (1211).¹⁶ The Pope himself was no longer able to check his own instruments:¹⁷ the crusade was preached with fresh

quos nobis nominabant, et si quos alios nominare vellent, faciemus stare juri in episcopali sede civitatis nostrae:—et si hoc recipere recusabat, scientes nos ab ipso praegravari, nos et accusatos viros sub protectione dom. Papae posuimus, et sedem apostolicam appellavimus:—et licet hujusmodi responsio a nobis protenderetur, nihilominus nos et nostros consiliarios de facto excommunicavit, et villam nostram interdixit. How the ill-fated Raymond eagerly offered every kind of submission, and was continually rejected, see *Hist. de Languedoc.* iii. 175. The most wanton insult was coupled with the injury, in the conditions which were laid before him by the Legate in the Council of Arles ann. 1211. According to the *Hist. de la croisade en vers provençaux* p. 99, the chief conditions were (in Fauriel's French translation): Que le comte rende aux clercs leurs droits (et l'assurance) d'obtenir (de lui) toute chose qu'ils lui demanderont; qu'il chasse de ses états tous les perfides Juifs; et (quant) aux partisans de l'hérésie, qu'ils lui désigneront, qu'ils les leur rende tous, avant l'année révolue, pour en faire à leur volonté et à leur plaisir. Qu'ils ne mangeront pas de plus de deux viandes (à leurs repas), et ne se vêtiront désormais plus de riches draps, mais de grossières capes brunes qui leur dureront davantage; qu'ils abattront tous les châteaux et toutes les forteresses. Les chevaliers ne séjourneront plus en maison (dans les villes), mais dehors, dans les campagnes, comme paysans;—qu'ils payeront quatre deniers toulousains par an aux paciers qui seront établis (par l'Eglise) dans le pays;—que si le comte de Montfort et les Croisés qui viendront chevauchant contre eux, comme contre tant d'autres, leur enlèvent quelque chose du leur, ils ne s'y opposent pas; qu'ils s'en remettent sur tout à la décision du roi de France; que le comte Raymond s'en aille outre mer, là-bas au fleuve du Jourdain, et qu'il y reste aussi longtemps que le voudront les moines, les cardinaux de Rome, ou ceux qu'ils désigneront: qu'après cela, le comte entre dans un ordre, dans celui du Temple ou de Saint-Jean. Quand il aura fait tout cela, ses châteaux lui seront rendus; et s'il ne le fait pas, il sera privé de tout pouvoir, tellement qu'il ne lui restera rien. The remodeling of this history in prose in the Provençal language (*Hist. gén. de Languedoc.* T. iii. *Preuves* p. 30) gives these conditions somewhat differently, and from this work Mansi xxii. 815 has translated them into Latin, but he is not always accurate.

¹⁶ The Abbot Arnold won his way so early as 1212, to the archiepiscopal see of Narbonne, and at the same time took possession of the dukedom of Narbonne (*Histoire de Languedoc* iii. 223.)

¹⁷ Innocent. III. lib. xv. Ep. 102. ad Raimundum Uticensem Episc. et Narbonensem electum (namely Arnold) Legatos in the year 1212: Raimundus Tolosanus Comes—quia nondum est damnatus de haeresi vel de nece sanctae memoriae Petri de Castronovo, etsi de illis sit valde suspectus,—non intelligimus, qua ratione possemus adhuc alii concedere terram ejus.—Accordingly cum nondum sit locus illi petitioni,

ardour;¹⁸ the territory of the count was conquered by Simon de Montfort,¹⁹ and formally adjudged to him by a council at Mont-

quam de terra ejus alii concedenda fecistis, he had empowered Regensem Episc. and Thedisium Canonicum Januensem to make a closer investigation. Under the charge: *sollicite provideatis, ne in nostri executione mandati sitis tepidi et remissi, sicut hactenus dicimini extitisse.* How little this charge availed, see lib. xv. ep. 212. ad Archiep. Narbon. Episc. Regensem et Thedisium Canonicum in the year 1213, after Peter king of Aragon had interested himself in behalf of Raymund. Tu, frater, Archiepiscopo, ac nobilis vir Simon de Monteforti, Crucesignatos in terram Tolosani Comitis inducentes, non solum loca, in quibus habitabant haeretici, occupastis, sed ad illas nihilominus terras, quae super haeresi nulla notabantur infamia, manus avidas extendistis; et cum ab hominibus terrarum illarum fidelitatis exegeritis juramenta, et terras sustineatis habitare praedictas, haereticos illos existere verisimile non videtur. Raymund had complained to the king, quod satisfactionem ejus non admittebat Ecclesia, cum paratus existeret facere, quaecunque sibi possibilia mandarem. Peter had requested on this account, Tolosanum comitatum filio memorari Comitis reservari, qui nec unquam venit, nec veniet Deo dante in haereticae pestis errorem. Until he came of age the king was ready to undertake to be his guardian. The old count had declared himself willing to submit to any kind of penance, sive quod partes adeat transmarinas, sive quod sit in Hispania—contra gentis perfidiam Sarracenae. The Pope gave orders that an assembly of Prelates and Barons should be summoned, to consult on these proposals. However the Conc. Vaurense ann. 1213 (see Petrus Vall. Cern. c. 66 in Mansi xxii. 863) was under the control of the Legates; Innocent at length prevailed: and Peter at last received an answer in the negative (Innoc. lib. xvi. ep. 48.)

¹⁸ Arnold Archbishop of Narbonne required Gervasius, Abbot of Prémontré to preach the crusade, and authorized him, (Gervasii Praemonstrat. ep. 42 in Hugo sacrae antiquitatis monumenta. Scivagii 1725. fol. p. 43) injectoribus manuum in ecclesiasticas seu religiosas personas,—ne non incendiariis absolutionis beneficium secundum formam Ecclesiae impertiri, ut sic eos in succursum praedicti negotii transmittatis. Thus was proved that which was made a ground of complaint to the Pope (Innocent III. lib. xvi. ep. 17), quod zelus fidelium in haereticae pravitate labe notatos esset in partibus illis tunc temporis sic accensus, ut incendio traderent non solum manifestos haereticos, sed etiam quoslibet de hujusmodi pravitate suspectos.

¹⁹ Ecclesiastical assistance was constantly rendered to this end. Thus Petrus Vall. Cernaji c. 78, shows how much the result of the year 1214, was owing to the co-operation of the craft of the Legate and the might of the crusading army: Egit ergo misericorditer divina dispositio, ut dum Legatus hostes fidei, qui Narbonae erant congregati, alliceret et compesceret fraude pia, Comes Montisfortis et peregrini, qui venerant a Francia, possent transire ad partes Caturenses et Aginnenses, et suos, imo Christi, impugnare inimicos. O Legati fraudis pia! o pietas fraudulenta! Compare Hurter ii. 589.

pellier in 1215²⁰ for his own possession. Innocent III. did not only confirm this grant at the great Lateran council in this same year,²¹ but also held up the principle of the method of procedure hitherto adopted against these countries, as a precedent in similar cases.²² Then at length Raymund sought for help in

²⁰ Petrus Vall. Cern. c. 81 in Mansi xxii. 935. Thus Simon wrested the dukedom of Narbonne from his former comrade the Archbishop Arnold, without caring for his Ban and Interdict. Hist. gén. de Languedoc iii. 281.

²¹ The Poetical history of the crusade ed. Faüriel p. 266, relates expressly the previous transactions, in which several Prelates, and particularly the Pope showed themselves inclined, to give back his land to Count Raymund. But the greater number extorted the following decree. Concilii Later. sententia de terra Albigensi (in d'Achery spicileg. i. 707. in Mansi xxii. 1069): Quantum Ecclesia laboravit per Praedicatores et Crucesignatos ad exterminandum haereticos et ruptarios de provincia Narbonensi, et partibus sibi vicinis, totus paene orbis agnoscit.—Quia vero novella plantatio adhuc indiget irrigari, sacro consulto concilio ita duximus providendum: ut Raymundus Tolosanus comes, qui culpabilis repertus est in utroque, nec unquam sub ejus regimine terra possit in fidei statu servari, sicut a longo tempore certis indiciis est compertum, ab ejus dominio, quod utique grave gessit, perpetuo sit exclusus, extra terram in loco idoneo moraturus, ut dignam agat poenitentiam de peccatis. Veruntamen de proventus terrae pro sustentatione sua quadringentas marcas percipiat annuatim, quamdiu curaverit humiliter obedire. Uxor vero ipsius Comitis, soror quondam Regis Arragonum,—terras ad suum dotalitium pertinentes integre habeat et quiete.—Tota vero terra, quam obtinuerunt Crucesignati,—dimittatur et concedatur—Comiti Montisfortis, viro strenuo et catholico, qui plus caeteris in hoc negotio laboravit, ut eam teneat ab ipsis, a quibus de jure tenenda est. Residua autem terra, quae non fuit a Crucesignatis obtenta, custodiatur ad mandatum Ecclesiae per viros idoneos, qui negotium pacis et fidei manuteneant et defendant; ut provideri possit unico adolescenti filio praefati Comitis Tolosae, postquam ad legitimam aetatem pervenerit, si talem se studuerit exhibere, quod in toto vel in parte ipsi merito debeat provideri, prout magis videbitur expedire. cf. Hist. gén. de Languedoc. iii. 277. According to the poetical history of the crusade the Pope said to him at leave taking (in Faüriel's translation p. 257, on the historic truth of the tale see Faüriel's introduction p. xc): Comte, tu ne dois point perdre courage. Je connais, je sais bien ce que j'ai à faire; et si tu me laisses un peu respirer ou réfléchir, je te rendrai ton droit et corrigerai mon tort.—Quant à ces félons qui me blâment (the Prelates who had forced him to the sentence), je te dis, qu'avant peu tu m'en verras vengé.—Mais laisse-moi ton fils: je veux délibérer (sur lui): de maintes manières je puis lui faire un héritage. Hurter ii. 657.

²² Conc. Lateran. iv. can. 3. (Deer. Greg. lib. v. tit. 7. c. 13): Excommunicamus et anathematizamus omnem haeresim etc.—§. 1.

the attachment of his former subjects : and, after Simon's death († 1218) he made a considerable advance in the reconquest of his country, although the Pope, without ceasing, used every means of resistance. When after the death of Raymund VI. († 1222) Raymund VII. regained his whole ancestral heritage, and had even forced his enemy Amalaric, son of Simon, to a complete surrender ;²³ then Honorius III., elsewhere so mild, still thought it due to the Papal honour, to hate the Father in the Son how-

Damnati vero saecularibus potestatibus praesentibus, aut eorum bailivis relinquuntur, animadversione debita puniendi :—ita quod bona hujusmodi damnatorum—confiscantur. §. 2. Qui autem inventi fuerint sola suspitione notabiles, nisi—propriam innocentiam congrua purgatione monstraverint, anathematis gladio feriantur, et usque ad satisfactionem condignam ab omnibus evitentur ; ita quod si per annum in excommunicatione perstiterint, extunc velut haeretici condemnentur. §. 3. Moneantur autem et inducantur, et, si necesse fuerit, per censuram ecclesiasticam compellantur saeculares potestates,—ut—pro defensione fidei praestent publice juramentum, quod de terris suae jurisdictioni subjectis universos haereticos—exterminare studebant : ita quod amodo, quandoque quis fuerit in potestatem sive perpetuam sive temporalem assumptus, hoc teneatur capitulum juramento firmare. Si vero dominus temporalis requisitus et monitus ab Ecclesia, terram suam purgare neglexerit ab hac haeretica foeditate, per Metropolitanum et caeteros comprovinciales Episcopos excommunicationis vinculo innodetur. Et, si satisfacere contempserit infra annum, significetur hoc summo Pontifici : ut extunc ipse vasallos ab ejus fidelitate denunciaret absolutos, et terram exponat Catholicis occupandam, qui eam exterminatis haereticis sine ulla contradictione possideant, et in fidei puritate conservent : salvo jure domini principalis, dummodo super hoc ipse nullum praestet obstaculum, nec aliquod impedimentum opponat : eadem nihilominus lege servata circa eos, qui non habent dominos principales. §. 4. Catholicis vero, qui crucis assumpto charactere ad haereticorum exterminium se accinxerint, illa gaudeant indulgentia, illoque sancto privilegio sint muniti, quod accedentibus in terrae sanctae subsidium conceditur. §. 5. Credentes praeterea, receptatores, defensores et fautores haereticorum excommunicationi decernimus subjacere : firmiter statuentes, ut postquam quis talium fuerit excommunicatione notatus, si satisfacere contempserit infra annum, extunc ipso jure sit factus infamis, nec ad publica officia seu consilia, nec ad eligendos aliquos ad hujusmodi, nec ad testimonium admittatur. Sit etiam intestabilis, ut nec testandi liberam habeat facultatem, nec ad haereditatis successionem accedat. Nullus praeterea ipsi super quocunque negotio, sed ipse aliis respondere cogatur etc. Si qui autem tales, postquam ab Ecclesia denotati fuerint, evitare contempserint : excommunicationis sententia usque ad satisfactionem idoneam percellantur etc.

²³ Schlosser III. ii. i. 222.

ever guiltless. He stirred up Lewis VIII., King of France, to conquer Toulouse for himself in a new crusade.²⁴ Hostilities began on the 6th of June 1226, but they were greatly crippled by the death of Lewis VIII. on the 18th November of the same year: at length Raymund obtained peace on the hardest conditions, by which a part of his domain passed into the power of France, and the annexation of the rest to this kingdom was furthered.²⁵

The unhappiness of this country was accomplished by the horrors of the inquisition which now rose up.²⁶ In order to perpetuate

²⁴ Matth. Paris ann. 1226. p. 331: Multitudo maxima praelatorum et laicorum crucis signaculum susceperunt: plus metu Regis Francorum, vel favore Legati, quam zelo justitiæ inducti. Videbatur enim multis abusio, ut hominem fidelem Christianum (*Comitem Tolosanum*) infestarent: praecipue cum constaret cunctis, eum in concilio, nuper apud civitatem Bituricam habito, multis precibus persuasisse Legato, ut veniret ad singulas terrae suae civitates, inquirens a singulis articulos fidei: et si quempiam contra fidem invenerit sententiam catholicam, ipse secundum judicium s. Ecclesiae justitiæ ex eis plenitudinem exhiberet.—Pro se autem obtulit, si in aliquo deliquit quod se fecisse non recoluit, plenam Deo et s. Ecclesiae satisfactionem, ut fidelis Christianus: et si Legatus vellet, etiam fidei examen subire. Haec quoque omnia Legatus contempsit; nec potuit Comes catholicus gratiam invenire, nisi pro se et haeredibus suis hereditatem suam deserens abjuraret.

²⁵ Hist. de Languedoc. iii. 370. Preuves p. 329. Together with the rest of the allies of the Count of Toulouse, now also the valiant Roger Bernard Count of Foix, was forced to yield (l. c. p. 379 ss.) Compare his remarkable declaration before the Papal Legate in J. P. Perrin *histoire des Chrestiens Albigeois* (Genève 1618) p. 140, taken from an old life of Count Roger Bernard by Holagarai: Certes je vous dirai que je n'ai jamais désiré que de maintenir ma liberté: car je suis dans le maillet de franchise.—Pour le Pape, je ne l'a point offensé: car il ne m'a rien demandé comme Prince que je ne lui aye obéi. Il ne se doit mesler de ma religion, veu qu'un chacun la doit avoir libre. Mon père m'a recommandé tousjours cette liberté, afin qu'étant en cette posture, quand le ciel crouleroit, je le puisse regarder d'un oeil ferme et assuré, estimant qu'il ne me pourroit faire du mal etc.

²⁶ Works upon this subject in general: Nicolai Eymerici (General-inquisitor in Aragon † 1399) *directorium Inquisitionum* ed. cum comm. Francis Pegnae, Romae 1578, ed. 2. 1585. fol. and often besides. Ludovici de Paramo de origine, de officio et de progressu s. Inquisitionis libb. iii. Madrit. 1598 and Antwerp 1619. fol. Phil. a Limborch *historia Inquisitionis*, Amst. 1692. fol. J. Ant. Llorente *hist. critique de l'inquisition d'Espagne*, Paris 1817, 4 Tomes. Compare F. A.

the work of blood begun by the Papal Legates in a permanent institution, the fourth Lateran Council in (1215) made it the chief business of the Episcopal Synodal tribunals, to search out and punish heretics;²⁷ and the Council of Toulouse (1229) achieved the organization of this Episcopal Inquisition.²⁸ However soon after it was in fact almost annihilated; for in 1232 and 1233 Gregory IX. appointed the Dominicans to be the standing Papal Inquisitors,²⁹ and forthwith they began their hideous work, in the countries tainted with heresy. In order that the Church may not seem to soil herself with blood, the secular princes must serve the office of executioner. Lewis IX. in 1228,³⁰ Frederick II. in 1232,³¹ the ill-fated Raymund VII. in 1233,³² each passed

Biener's Beiträge zu der Gesch. des Inquisitions-Processes. Leipzig 1827. S. 60 ff.

²⁷ Conc. Lateran. iv. c. 3. § 7. (This is taken word for word from the decree of Pope Lucius III. in the year 1184 mentioned above § 88, note 6, which however does not seem to have been carried into execution at that time): Adjicimus insuper, ut quilibet Archiepiscopus vel Episcopus per se, aut per Archidiaconum suum, vel idoneas personas honestas, bis aut saltem semel in anno propriam parochiam, in qua fana fuerit haereticos habitare, circumeat: et ibi tres vel plures boni testimonii viros, vel etiam, si expedire videbitur, totam viciniam, jurare compellat: quod si quis ibidem haereticos sciverit, vel aliquos occulta conventicula celebrantes, seu a communi conversatione fidelium vita et moribus dissidentes, eos Episcopo studeat indicare. Ipse autem Episcopus ad praesentiam suam convocet accusatos: qui nisi se ab objecto reatu purgaverint, vel si post purgationem exhibitam in pristinam fuerint relapsi perfidiam, canonice puniantur. Si qui vero ex eis juramenti religionem obstinatione damnabili respuentes, jurare forte noluerint; ex hoc ipso tanquam haeretici reputentur. § 8.—Si quis Episcopus super expurgando de sua dioecesi haereticarum pravitatis fermento negligens fuerit vel remissus:—ab episcopali officio deponatur.

²⁸ The 45 Capitula Conc. Tolosani are in Mansi xxiii. 192. Planck's Gesch. d. kirchl. Gesellschaftsverf. IV. ii. 463.

²⁹ In 1232 in Germany, Aragon, and Austria Bullarium Ord. Praedicatorum i. 37. Then in 1233 ad Priorem Fratrum Ord. Praedicatorum in Lombardia in Mansi xxiii. 74. In this year also the Legate Bishop of Tournay appointed Dominicans to be inquisitors in the towns of Albigeois and Toulouse, Guil de Podio Laur. c. 43.

³⁰ In the Ordonnance Cupientes see Ordonnances des Roys de France de la 3ième race par M. de Laurière i. 50.

³¹ See Pertz monum. hist. Germ. iv. 287, repeated more than once for the last time in three laws dd. Paluac 22. Febr. 1239 in Petri de Vincis lib. i. ep. 25—27. Pertz iv. 326.

³² Statuta Raymundi in Mansi xxiii. 265.

the requisite laws. That the new Inquisition might strike more of the guilty, a way of proceeding was prescribed for it, to which of necessity many of the guiltless must fall victims.³³ Thus armed, this monster raged with most frightful fury in Southern France,³⁴ where the heretics had only learnt from former events,

³³ 1. The witnesses were concealed from the accused. Conc. Narbonense ann. 1235. c. 22 (according to Pegna comm. ad Eymericum no. 124, so early as Conc. Biterrense 1233. c. 10): *Illud autem caveatis secundum providam sedis apostolicæ voluntatem, ne testium nomina verbo vel signo aliquo publicentur.* This order was afterwards repeated by many Popes: thus by Innocent IV. in the Bull *Cum negotium* 1254 (Bullar. magn. in Innoc. iv. no. 15): *volumus ut nomina tam accusantium pravitatem hæreticam, quam testificantium super ea, nullatenus publicentur, propter scandalum, vel periculum, quod ex publicatione hujusmodi sequi posset.*—2. Criminals also were admitted as witnesses, Conc. Narbon. ann. 1235. c. 24: *in hujusmodi crimine propter ipsius enormitatem omnes criminosi et infames, et criminis etiam participes ad accusationem vel testimonium admittantur.*—3. Still conviction might be effected by such witnesses. Conc. Narbon. can. 26: *Si quis tamen culpam suam, ex qua possit credens vel hæreticus judicari, de qua plene per testes seu aliam probationem constat, pertinaciter negare non metuit, hæreticus absque dubio est censendus.*—4. Confession was extorted by torture: first Innocent IV. in the Bull *Ad extirpanda* 1252 (Bullar. magn. in Innoc. IV. no. 9) § 25: *Teneatur præterea Potestas seu Rector omnes hæreticos, quos captos habuerit, cogere citra membri diminutionem et mortis periculum—errores suos expresse fateri, et accusare alios hæreticos quos sciunt, et bona eorum, et credentes, et receptatores, et defensores eorum, sicut coguntur fures et latrones rerum temporalium accusare suos complices, et fateri maleficia, quæ fecerunt.* However the Inquisitors soon began to withhold the torture on their own authority that the depositions might remain secret, especially after that Urban IV. 1261 (Bullar. magn. in Urban IV. no. 8) had decreed for them, *ut, si vos et Fratres vestri Ordinis, socios vestres, excommunicationis sententiam et irregularitatem incurrere—contingat,—mutuo vos super his absolvere—et vobiscum auctoritate nostra dispensare possitis.* Clement V. in Conc. Viennensi ann. 1311 (Clementin. V. tit. 3. c. 1. § 1) censures this power and limits it: *Duro tradere carceri, sive arcto, qui magis ad poenam, quam ad custodiam videatur, vel tormentis exponere illos, aut ad sententiam procedere contra eos, Episcopus sine inquisitore, aut inquisitor sine Episcopo dioecesano—non valebit.*—Comp. particularly the *Doctrina de modo procedendi contra hæreticos* in Martene thesaur. anecdot. v. 1795, which belongs to this period, and the instructions in the *Tractatus de hæresi Pauperum de Lugduno* ibid. p. 1786 ss. Biener's Beitr. zu d. Gesh. des Inquisitionsprocesses. S. 72 ff.

³⁴ The manner in which the Inquisition began in Narbonne, is represented in a letter from the Consules of Narbonne to the Consules in

to keep themselves more secret. Germany for a short space of time (1231—1233) was taught to know the Inquisition in its maddest

Nismes in the year 1234 (in the *Histoire de la ville de Nismes* par M. Ménard. T. i. Paris 1750. 4. Preuves p. 73 ss.): Archiepiscopus et quidam de Fratribus Praedicatorum—ad inquisitionis, imo potius concussionis, officium tam injuste tamque enormiter processerant, ut juris ordine non servato, et omissa juris observantia tam canonica quam civili, ad captionem hominum et occupationem rerum et distributionem, licet nulla de ipsis suspicio haberetur, nec contra eos laboraret infamia, procedebant, et quosdam ex ipsis spoliatis rebus propriis dimittebant, et alii in carcerali custodia necabantur, nulla cognitione habita, et nulla sententia super eorum fide per ipsos vel alios pronulgata, rebus ipsorum omnibus penitus confiscatis.—Item ut homines simplices et illiteratos caperent in sermone, eis quaestiones hujusmodi faciebant, dicentes: *credis quod, quando mulier concipit, quod illa missio fiat per Deum, vel per hominem?* Et si laicus responderet, quod per hominem illam credebat fieri missionem; ergo, dicebant ipsi, *tu es haereticus: nam haeretici dicunt, quod malignus spiritus et homo faciunt hominem, et non Deus.* Et si illam simplex laicus timens responsionem mutaret, dicens, quod per Deum fiebat dicta missio: *ergo tu dicis quod Deus cognoscit mulierem, et ita es haereticus manifestus.* Item interrogabant eundem, *si facta missione, praedicta anima infundebatur in continenti, an postea per multos dies ipsius infusio tardabatur?* Item *si anima infusa in illo grano, sicut infans crescit, crescebat?* Item *si omnes animae factae fuerunt simul et uno momento, et ubi?* Item *si hostia, quam consecrat sacerdos, erat totus Deus, vel pars ejus?* Et tunc si laicus, quod totus Deus est, responderet, dicebant: *responde ergo mihi, credis, quod, si quatuor sunt in Ecclesia sacerdotes, et quilibet consecrat hostiam suam, sicut decet, quod in qualibet hostia sit totus Deus?* Et laicus responderet, quod sic: *ergo tu credis, quod quatuor sunt Dii.* Et tunc laicus tremens aliquando contrarium respondebat. Thence arose tumults among the people in Narbonne in 1234 (*Hist. de Langued.* iii. 402), in Albi (*Narratio de illatis Arnoldo Inquisitori apud Albiensem civitatem injuriis*, in *Martene thesaur.* i. 985); Thence also the banishment of the Inquisitors from Toulouse in 1235, (*Hist. de Lang.* iii. 404) and Narbonne (iii. 406). Four Inquisitors of Toulouse were put to death in 1242 (iii. 430 s). The *Liber sententiarum Inquisitionis Tolosanae*, a collection of sentences past from 1307 to 1323 (published with Limborch *hist. Inquisitionis*) gives some notion of the fearful activity of the Inquisition. Similar collections even from an earlier date, are yet extant in manuscript, see *Percin monumenta conventus Tolosani Ord. Fr. Praedicatorum.* 2 T. Tolosae 1693. fol. Füssli's *Kirchen u. Ketzerhistorie der mittlern Zeit.* i. 417, the *Mémoires sur l'inquisition de Toulouse* par l'Abbé Magi et le P. Sermet in the *Histoire et mémoires de l'Académie roy. de Toulouse* t. iv. (1790. 4.) p. 14 and 44. Schmidt in the *Strassburger Beiträgen zu den theol. Wissenschaften* i. 136. Philip the fair in 1291 charged his Seneschal, to use prudence in the arrests required by the Inquisitors (*Hist. de Langued.* t. iv. Preuves

rage, in Conrad of Marburg,³⁵ and in the Dominican monk

p. 98), certiorati,—quod Inquisitores Carcassonne male processerunt,—quod innocentes puniant, incarcerent,—et per quaedam tormenta de novo exquisita multas falsitates de personis legitimis vivis et mortuis fide dignis extorqueant. Compare his decree concerning the Inquisitor Fulco at Toulouse (ibid. p. 118): a captionibus, quaestionibus et inexcogitatis tormentis incipiens, personas, quas pro libito asserit haeretica labe notatas, abnegasse Christum etc.—vi vel metu tormentorum fateri compellit, et—testes fallaciter subornatos inducit ad perhibendum testimonium falsitati. Bernard a Franciscan in 1319, said publicly at Toulouse, quod beati Petrus et Paulus ab haeresi defendere se non possent, si viverent, dum tamen inquireretur cum eis per modum ab Inquisitoribus observatum, he was however for this condemned by the Inquisition to imprisonment for life see *Liber sententiarum Inquis. Tolos.* p. 269.

³⁵ Concerning him *Gesta Trevirorum* ed. Wyttenbach et Müller i. 317. and Alberici chronicon ad ann. 1233 p. 544 ss. Comp. especially Sifridi Archiep. Maguntini et F. Bernardi de Ord. Praedicatorum ep. ad Papam in Albericus l. c. Magister Conradus contra Pauperum Lugdunensium astutias zelo fidei armatus, nefandam haeresim Manichaeorum filiam olim absconditam ita putavit ex toto deprehendere, si testes, qui se confitebantur aliquantulum criminis eorum conscios et participes, in illorum absentia reciperentur, et dictis eorum simpliciter crederetur, ita ut semel accusato talis daretur optio, aut sponte confiteri et vivere, aut innocentiam jurare et statim comburi. Et ecce falsos testes, ab haereticis, ut credimus, subornatos, adduxit inimicus. Quaedam femina vaga Alaidis—finxit se haeticam,—innuens a latere, quod—haeticos absconditos et fautores eorum manifestaret. Haec missa est a Mag. Conrado, qui nimis ei credidit: et ipsa primo apud Clavelt villam, de qua oriunda fuit, cognatos et notos et affines, qui eam exhaeredare videbantur, fecit comburi: subornato etiam quodam Amfrido, quem modo fecimus in vineulis detineri, qui confessus est, quod multos innocentes, alios ad ignem, alios ad tonsuram per testimonium suum coegerit, Mag. Conrado iudicium fulminante. Et horum accusatio paulatim coepit ascendere a rusticis ad burgenses honorabiles et eorum uxores, inde ad Castellanos et nobiles, et in fine ad Comites prope et longe positos. Et Magister nulli quantumvis altae personae locum dedit legitimae defensionis, nec etiam confiteri proprio sacerdoti: sed accusatum oportuit confiteri se haeticum esse, buffonem tactum, pallidum virum et huiusmodi monstra dissidentiae pacis in osculo salutasse: taliter quidam Catholici adjudicati maluerunt innocenter cremari et salvari, quam mentiri de crimine turpissimo, cujus non erant conscii, et supplicium promereri, quibus ipse Magister martirium promittebat: alii infirmi potius elegerunt mentiri, quam comburi. Quibus tamen oportuit scolas nominare, et respondebant: *nescio quem accusem, dicite mihi nomina, de quibus suspicionem habetis*: cumque proponeretur de Comite Seimensi, de Comite Anenberg, de Comitissa de Loz, respondebat evadere volens: *illi ita rei sunt ut ego* etc.—Ego Archiepiscopus Mag. Conradum primo solus, postea cum duobus

Conrad Dorso³⁶ who came to Strasburg; and at the same time acquired the most fearful experience of the abuse of the new laws against heretics, in the crusade on the Stedinger, the lovers of freedom in 1234.³⁷ But by these events, so universal a resis-

Archiepiscopis Coloniensi et Trevirensi, monui, ut moderatius et discretius in tanto negotio se gereret. Qui non acquievit, sed tandem contra nostram monitionem crucem publice praedicavit Maguntiae: quo viso quidam [ex illis] interfecerunt eum prope Marburg.—Deinde examinavimus Comitem Seinensem et alios, de quibus habita est quaestio, et restituimus eos famae et possessionibus:—de innocenter mortuis quaeritur consilium Papae. The Pope according to the Ann. Wormat. in Böhmer ii. 177 protested against what had been done, and declared Conrad's decisions void. He said *Ecce Alemanni semper erant furiosi, et ideo nunc habebant iulices furiosos*. Compare Justus Elisabeth die Heilige (2te Aufl. Marburg 1835) s. 145.

³⁶ Concerning him see the Ann. Wormat. in Böhmer's fontes rerum Germ. ii. 175, and in the manuscript collections of Daniel Specklin († 1589), public master builder at Strassburg, where he is called Droso or Torso, Schmidt in Ilgen's Zeitschr. f. Kirchengesch. 1840. iii. 55. In the Gestis Trevir. i. 317, he is called Conradus cognomento Tors, and is distinguisht as Minister Conradi de Marburch. But according to the Ann. Wormat. he was the first to instigate Conrad of Marburg. He also was murdered soon after the death of this last.

³⁷ Jo. Dan. Ritteri diss. de pago Steding et Stedingis saec. xiii. haereticis. Viteberg. 1751. 4. (also in J. P. Berg museum Duisburgense i. ii. 529.) Schlosser's Weltgeschichte iii. ii. 127. C. Aem. Scharling de Stedingis comm. Hafniae 1828. Muhle's Gesch. d. Stedingerlandes im Mittelalter, in Strackerjan's Beiträgen zur Gesch. d. Grossherzogth. Oldenburg Bd. 1. (Bremen 1837) s. 299. The contemporary, Godefridus Mon. s. Pantaleonis ad ann. 1234, gives a short and correct account of the matter (in Freherus-Struvé i. 399): *Verbum crucis praedicatur contra Stagingos per inferiores partes Teutoniae et Flandriae. Collecto itaque universo exercitu Crucesignatorum in crastino Ascensionis iidem Stagingi superantur, et a terra sua funditus exstirpantur. Fuerunt autem Stagingi populi in confinio Frisiae et Saxoniae siti (in the modern Oldenburg) paludibus inviis et fluminibus circumcinti, qui pro suis excessibus et subtractionibus decimarum multis annis excommunicati, contemptores clavium Ecclesiae sunt inventi. Qui cum essent viri strenui, vicinos populos, immo et Comites et Episcopos bello pluries sunt aggressi, saepe victores, raro vieti. Ob quam causam auctoritate papali verbum crucis contra eos fuit per multas dioceses praedicatum. Another contemporary, Emo, Abbot in Werum in Friesland, writes in his Chronicon (Ant. Matthaei veteris aevi analecta ii. 97): ut multis innotuit, inter caetera reprehensibilia principior causa fuit inobedientia, quae scelere idololatriae non est inferior, dicente Salomone (rather 1 Sam. xv. 23): *Nolle obedire scelus est idololatriae*. Illi namque, licet gens modica fuit scens ripam Wiserae fluvii, propter violentias, quas milites et servientes intrantes*

ad eos irrogabant, omnes hujusmodi cjecerunt et se defenderunt, et interim reditus Episcopi et Ecclesiarum non reddiderunt, propter quod sacramentis ecclesiasticis et sacerdotum ministerio privati sunt. For this reason, so early as 1232 Gregory ix., undoubtedly at the instigation of Gerhard, Archbishop of Bremen, issued the order to preach a crusade against them (Raynald ann. 1232 no. 8.) When, however, this produced no real effect, Conrad of Marburg interfered in the cause (l. c. ann. 1233. no. 41.) and told the credulous Pontiff (comp. above § 55. note 24.) that the Stedingi were guilty of the same heresies which he fastened on all his victims. Now Gregory IX. issued a more serious summons to a crusade against these evils. Ep. ad. Archiep. Magunt. Episc. Hildesem. et Conradum (in Raynald ann. 1233. no. 42, given entire in Thom. Ripoll Bullarium Ord. Prædicat. i. 52.) and ad Henricum Friderici Imp. filium (in Martene thesaur. i. 950. Mansi xxiii. 323): In both epistles there is the following account of the Stedinger heresy: *Hujus pestis initia talia perferuntur. Nam dum novitius in ea quisquam recipitur, et perditorum primitus scholas intrat, apparet ei species quaedam ranae, quam bufonem consueverunt aliqui nominare: hanc quidam a posterioribus, et quidam in ore damnabiliter osculantes, linguam bestiae intra ora sua recipiunt, et salivam. Haec apparet interdum in debita quantitate, et quandoque in modum anseris vel anatis, plerumque furni (sturni?) etiam quantitatem assumit. Demum novitio procedente occurrit miri palloris homo, nigerrimos habens oculos, adeo extenuatus et macer, quod consumptis carnibus sola cutis relicta videtur ossibus superducta: hunc novitius osculatur, et sentit frigidum sicut glaciem et post osculum catholicae memoriae fidei de ipsius corde totaliter evanescit. Ad convivium postmodum discumbentibus, et surgentibus completo ipso convivio, per quandam statuam (Rippoll. scalam), quae in scholis hujusmodi esse solet, descendit retrorsum ad modum canis medioeris gattus niger (comp. § 87. note 5), retorta cauda, quem a posterioribus primo novitius, post magister, deinde, singuli per ordinem osculantur etc.—Et his ita peractis extinguuntur candellae, et proceditur ad foetidissimum opus luxuriae.—Completo vero tam nefandissimo scelere et candelis iterum reaccensis, singulisque in suo ordine constitutis, de obscuro scholarum angulo quidam homo procedit, a renibus sursum fulgens et sole clarior, sicut dicunt, deorsum hispidus, sicut gattus, cujus fulgor illuminat totum locum. Tunc magister excerpens aliquid de veste novitii, fulgido illi dicit: *Magister hoc mihi datum tibi do*; illo fulgido respondente: *Bene mihi servivisti; pluries et melius servies; tuae committo custodiam, quod dedisti*; et his dictis protinus evanescit, etc.*

After that the Stedinger were in a great measure exterminated, the Pope's eyes were opened to Conrad's frenzy (above note 35) and he absolved the rest, not from heresy, but from disobedience and rebellion, see Gregor. ix, ep. ad Archiepisc. Bremensem ann. 1235 (in Lindenbrogii scriptt. rer. Germanic. septentrional. p. 197): *Ex parte universitatis Stedingorum, in Bremensi dioecesi existentium, fuit nobis humiliter supplicatum, ut, cum super eo, quod vobis inobedientes et rebelles diutius extiterunt, vestris cupiant parere mandatis, faceremus excommunicationis sententiam, qua propter hoc tenentur adstricti, misericorditer relaxari.*—Igitur—praesentium vobis

tance against every inquisition was aroused, that Germany for a long time after remained free from this monster.³⁸

In the 12th century the executions of heretics were for the most part the handiwork of the irritated populace, and even found much opposition among the clergy.³⁹ However, the theory of religion, which in the 13th century was especially flexible, in this case also adapted itself to the Practise of the Church, by the vindication of the new laws against heresy.⁴⁰

auctoritate mandamus, quatenus ab eis sufficienti cautione recepta, quod vobis de praeteritis satisfactionem impendant, et Ecclesiae ac vestris inposterum pareant praecise mandatis, injuncto sibi, quod de jure fuerit injungendum, sententiam ipsam juxta formam Ecclesiae relaxatis.

³⁸ It was not till 1366 that an inquisitor could again commence active operations in Strassburg, Schmidt in Illgen's Zeitschrift 1840. iii. 57. 67.

³⁹ Thus Guibertus Abbas (see § 78. note 2) in vita sua lib. iii. c. 14 records an instance, in which fidelis populus clericalem verens mollitiem, had burnt heretics without further consideration. In Cologne also the heretics were cast into the flames a populi nimio zelo permotis, nobis (clericis) tamen invitis, see Evervinus § 87. note 11. On the other hand about 1144 the clergy in Liège rescued heretics from the fury of the people, see § 87. note 8. Petrus Cantor (§ 87. note 2) distinguishes the conduct of the Council of Rheims towards Eon, as the proper course to pursue, he incarcerationis est, non interfectionis, non membro mutilationis. Bernardi in Cant. cant. sermo lxiv. c. 8. (Opp. ed. Mabillon i. 1489): Haeretici capiantur potius, quam effugentur. Capiantur, dico, non armis, sed argumentis, quibus refellantur errores eorum. (Haeretici) si reverti noluerit,—erit secundum Apostolum devitandus, Ex hoc jam melius (ut quidem ego arbitror) effugatur, aut etiam religatur, quam sinitur vineas demoliri. Sermo lxvi. c. 12. on a tumultuous massacre of heretics by the mob: Approbamus zelum, sed factum non suademus, quia fides suadenda est, non imponenda. Quamquam melius proculdubio gladio coercerentur, illius videlicet, qui non sine causa gladium portat, quam in suum errorem multos trahere permittantur. St Hildegardis (Abbess of the Monastery of St Rupert in Bingen † 1180) ep. ad Praelatos Moguntin. (Bibl. PP. Lugd. xxiii. 568): per haereticos tota terra polluta est. Unde vos, o Reges, Duces et Principes, ac caeteri christiani homines, qui Dominum timetis, verba ista audite, et populum istum ab Ecclesia, facultatibus suis privatum, expellendo, et non occidendo, effugate, quoniam forma Dei sunt.

⁴⁰ Thomas Secunda Secundae qu. 10. art. 8: *Utrum infideles compellendi sint ad fidem?* Resp. dicendum, quod infidelium quidam sunt, qui nunquam susceperunt fidem:—et tales nullo modo sunt ad fidem compellendi, ut ipsi credant, quia credere voluntatis est: sunt tamen compellendi a fidelibus, si adsit facultas, ut fidem non impediant.—Alii vero sunt infideles, qui quandoque fidem susceperunt, et eam profitentur,

sicut haeretici, et quicumque apostatae : et tales sunt etiam corporaliter compellendi, ut impleant quod promiserunt, et teneant quod semel suscepserunt.—Sicut vovere est voluntatis, reddere autem necessitatis : ita accipere fidem est voluntatis, sed tenere eam acceptam est necessitatis.

Art. 10 : *Utrum infideles possent habere praelationem s. dominium supra fideles ?* Resp. dicendum, quod circa hoc dupliciter loqui possumus. Uno modo de dominio vel praelatione infidelium super fideles de novo instituenda : et hoc nullo modo permitti debet. Cederet enim hoc in scandalum et in periculum fidei.—Et ideo nullo modo permittit Ecclesia, quod infideles acquirant dominium super fideles, vel qualitercumque eis praeficiantur in aliquo officio. Alio modo possumus loqui de dominio vel praelatione jam praeexistenti. Ubi considerandum est, quod dominium et praelatio introducta sunt ex jure humano : distinctio autem fidelium et infidelium est ex jure divino. Jus autem divinum, quod est ex gratia, non tollit jus humanum, quod est ex naturali ratione ; ideo distinctio fidelium et infidelium secundum se considerata non tollit dominium et praelationem infidelium supra fideles. Potest tamen juste per sententiam vel ordinationem Ecclesiae, auctoritatem Dei habentis, tale jus domini vel praelationis tolli : quia infideles merito suae infidelitatis merentur potestatem amittere super fideles, qui transferuntur in filios Dei. Sed hoc quidem Ecclesia quandoque facit, quandoque autem non facit. Qu. 11. art. 3 : *Utrum haeretici sint tolerandi ?* Resp. dicendum, quod circa haereticos duo sunt considerata : unum quidem ex parte ipsorum, aliud vero ex parte Ecclesiae. Ex parte quidem ipsorum est peccatum, per quod meruerunt non solum ab Ecclesia per excommunicationem separari, sed etiam per mortem a mundo excludi. Multo enim gravius est corrumpere fidem, per quam est animae vita, quam falsare pecuniam, per quam temporali vitae subvenitur. Unde si falsarii pecuniae, vel alii malefactores statim per saeculares Principes juste morti traduntur : multo magis haeretici statim, ex quo de haeresi convincuntur, possunt non solum excommunicari, sed et juste occidi. Ex parte autem Ecclesiae est misericordia ad errantium conversionem ; et ideo non statim condemnat, sed post primam et secundam correptionem, ut Apostolus docet. Postmodum vero si adhuc pertinax inveniatur, Ecclesia de ejus conversione non sperans, aliorum saluti providet, eum ab Ecclesia separando per excommunicationis sententiam, et ulterius relinquit eum judicio saeculari, a mundo exterminandum per mortem. He answers the objection from the command of the Lord Matth. xiii. 29, 30. *ut zizania permetterent crescere usque ad messem* : Si totaliter eradicentur per mortem haeretici, non est etiam contra mandatum Domini, quod est in eo casu intelligendum, quando non possunt extirpari zizania sine extirpatione tritici. Art. 4 : *Utrum revertentes ab haeresi sint ab Ecclesia recipiendi ?* Resp. dicendum, quod Ecclesia secundum Domini institutionem caritatem suam extendit ad omnes, non solum amicos, verum etiam inimicos, et persequentes, secundum illud Matth. v. 44.—Pertinet autem ad caritatem, ut aliquis bonum proximi et velit et operetur. Est autem duplex bonum. Unum quidem spirituale, scilicet salus animae, quod principaliter respicit caritas : hoc enim quilibet ex caritate debet alii velle. Unde quantum ad hoc haeretici revertentes quotiescunque relapsi fuerint, ab Ecclesia

Another no less evil result of this period, so fraught with

recipiuntur ad poenitentiam, per quam impenditur eis via salutis. Aliud autem est bonum, quod secundo respicit caritas, scilicet bonum temporale, sicut est vita corporalis, possessio mundana, et bona fama, et dignitas ecclesiastica sive saecularis. Hoc enim non tenemur ex caritate aliis velle, nisi in ordine ad salutem aeternam et eorum et aliorum. Unde si aliquid de huiusmodi bonis existens in uno impedire possit aeternam salutem in multis, non oportet quod ex caritate huiusmodi bonum ei velimus; sed potius ut velimus eum illo carere: tum quia salus aeterna praefenda est bono temporali, tum quia bonum multorum praefertur bono unius. Si autem haeretici revertentes semper reciperentur, ut conservarentur in vita et aliis temporalibus bonis, posset in praedictum salutis aliorum hoc esse: tum quis, si relaberentur, alios inficerent: tum etiam quia, si sine poena evaderent, alii securius in haeresim laberentur.—Et ideo Ecclesia quidem primo revertentes ab haeresi non solum recipit ad poenitentiam, sed etiam conservat eos in vita, et interdum restituit eos dispensative ad ecclesiasticas dignitates, quas prius habebant, si videantur vere conversi.—Sed quando recepti iterum relabuntur, videtur esse signum inconstantiae eorum circa fidem. Et ideo ulterius redeunt, recipiuntur quidem ad poenitentiam, non tamen ut liberentur a sententia mortis. Qu. 12. art. 2. *Utrum Princeps propter apostasiam a fide amittit dominium in subditos, ita quod ei obedire non teneantur?* Videtur quod Princeps propter apostasiam a fide non amittat dominium.—Dicit enim Ambrosius (caus. xi. qu. 3. c. 94), quod Julianus Imp., quamvis esset apostata, habuit tamen sub se Christianos milites, quibus cum dicebat: producite aciem pro defensione reipublicae, obediebant ei.—Praeterea sicut per apostasiam a fide receditur a Deo, ita per quodlibet peccatum. Si ergo propter apostasiam a fide perderent Principes jus imperandi subditis fidelibus, pari ratione propter peccata alia hoc amitterent. Sed hoc patet esse falsum.—*Sed contra est*, quod Gregorius VII. dicit (caus. xv. qu. 6. c. 4): Nos—eos, qui excommunicatis fidelitate aut sacramento sunt constricti,—apostolica auctoritate a sacramento absolvimus: And the Decretal of Lucius III. (see above § 88. note 6.): *Respondendo* dicendum, quod, sicut supra dictum est, infidelitas secundum seipsam non repugnat dominio—Sed aliquis per infidelitatem peccans potest sententialiter jus domini amittere, sicut etiam quandoque propter alias culpas. Ad Ecclesiam autem non pertinet punire infidelitatem in illis, qui nunquam fidem susceperunt.—Sed infidelitatem illorum, qui fidem susceperunt, potest sententialiter punire: et convenienter in hoc puniuntur, quod subditis fidelibus dominari non possint.—Et ideo quam cito aliquis per sententiam denunciatur excommunicatus propter apostasiam a fide, ipso facto ejus subditi sunt absoluti a dominio ejus, et juramento fidelitatis, quo ei tenebantur. *Ad primum* ergo dicendum, quod illo tempore Ecclesia in sui novitate nondum habebat potestatem terrenos Principes compescendi: et ideo toleravit, fideles Juliano Apostatae obedire in his, quae nondum erant contra fidem, ut majus periculum fidei vitaretur etc.

outrage, was, that the Laity were entirely forbidden Holy Scripture,⁴¹ so that the possession of a translation of the Bible was forthwith accounted a token of heresy,⁴² and only translations prepared for the purpose of supporting the Romish Church were tolerated.⁴³

§ 90.

SECTS IN THE THIRTEENTH CENTURY.

The regulations which were adopted against the heretics, and the cruel manner in which their so called conversion was pursued,¹

⁴¹ Even Gregory VII. was no friend to translations of the Bible, nor at the same time to universal reading of Scripture. see above Part i. § 38. note 17. However Innocent III. expresses himself somewhat more mildly on this head, see above § 88. note 11. On the other hand Conc. Tolosanum ann. 1229. cap. 14: Prohibemus etiam, ne libros veteris Testamenti aut novi laici permittantur habere: nisi forte psalterium, vel breviarium pro divinis officiis, aut horas b. Mariae aliquis ex devotione habere velit. Sed ne praemissos libros habeant in vulgari translatos, acutissime inhibemus. The Conc. Biterrense ann. 1246 in its advice to inquisitors cap. 36 (Mansi xxiii., 724) speaks de libris theologis non tenendis etiam a laicis in Latino, et neque ab ipsis neque a clericis in vulgari. Comp. T. G. Hegelmaier's Gesch. des Bibelverbots. Ulm 1783. S. 123.

⁴² Conc. Tarraconense ann. 1234. c. 2. Item statuimus, ne aliquis libros veteris vel novi Testamenti in Romanico habeat. Et si aliquis habeat, infra octo dies post publicationem hujusmodi constitutionis a tempore sententiae, tradat eos loci Episcopo comburendos: quod nisi fecerit, sive clericus fuerit, sive laicus, tamquam suspectus de haeresi, quousque se purgaverit, habeatur.

⁴³ Petrus comestor or manducator (Episcopal Chancellor in Paris, afterwards in the Monastery of St Victor † 1198) gave in his historia scholastica (often printed) an abridged translation of the historical books of the Bible, with the insertion of other histories, and sayings of the Fathers. This was translated into French with fresh translations from the other books of the Bible, by Guiars des Moulins (1286—1289) as histoires escolastres, (Henry's Leben Calvins. Bd. 1. Beilagen S. 71. Archinard notice sur les premières versions de la Bible en langue vulgaire, Genève 1839, p. 9): About the same time also a rhythmical translation was made into low Dutch, (Catalogus biblioth. Paulinae Lips. p. 163. Sanderi biblioth. Belg. p. 285).

¹ Izarn (who wrote after 1242, because he mentions the murder of the Inquisitor Arnaud, in Millot ii., 57, according to Schmidt in the

could only produce exactly the contrary effect to that they had in view, upon their convictions. This however they did accomplish, that the persecuted persons, filled with exaggerated hatred and horror of the Church, spread themselves with the greatest secrecy over other countries also.² Thus in the 13th century public feeling was roused ever more and more against Rome, against the

Strassburger Beiträgen i., 150 he was Prior of Villemur, has left behind him a picture to the life of these proceedings, in his poetical representation of the conversion of Sicard de Figueiras (see Millot hist. littéraire des Troubad ii., 42 ss. Fragments of the original are preserved in Raynouard v., 228). The Missionary thus addresses the heretic (Millot ii., 43): Dis-moi, hérétique, parle un peu avec moi. Tu ne le feras point, si tu n'y es forcé, selon ce que j'entends dire. Tu te moques bien de Dieu, d'avoir renié ta foi et ton baptême, pour croire que le diable t'a créé, et qu'un tel monstre peut te sauver. Then he shows him that God is the Creator of all men and all things, and concludes (p. 50): Je veux qu'en un ou deux mots tu me respondes. Ou tu seras jeté dans le feu, ou tu te rangeras de notre côté. de nous, qui avons la foi pure avec ses sept échelons, savoir les sacraments etc. Next comes a defence of marriage, to which p. 52 he gives weight by the same manner of arguing: Quoi, indocile à toutes ces autorités de Dieu et de S. Paul, tu ne peux te rendre? Mais le feu et les supplices t'attendent: tu vas y passer. p. 53: Avant qu'on te jette dans les flammes, je veux cependant te donner congé par une autre dispute sur la résurrection de l'homme et de la femme, que tu ne crois pas non plus que le jugement universel. La parole de Dieu à ce sujet est infaillible et invariable; de sorte que, si la tête d'un homme étoit par delà les mers, un de ses pieds à Alexandrie, l'autre au mont Calvaire, une de ses mains en France, et l'autre à Haut-Villar, et que le tronc fût porté en Espagne; enfin que toutes ces parties, brûlées et mises en cendres, fussent jetées au vent; elles reprendroient au jour du jugement la forme, qu'elles ont eue au baptême etc. p. 59: Avant que tu sois livré aux flammes, comme tu vas l'être, si tu ne te rétractes point, je voudrois encore te demander, pourquoi tu nies notre baptême etc.—p. 62: Je t'ai par huit fois convaincu d'erreur et de mensonge, hérétique obstiné: mais toutes les autorités des apôtres et des prophètes ne gagnent rien, et je perds mon tems avec toi. Still for the ninth time: Où as-tu trouvé dans l'écriture, et qui t'a appris, que ton ame soit venue de ceux, qui tombèrent du ciel sur la terre? etc. At last the heretic submits to him, p. 66: Izarn, assurez-moi, et faites-moi donner parole, que je ne serai pas brûlé, ni enfermé, ni maltraité. Je me sou mets à toutes les autres peines, qu'il vous plaira etc.

² See Berthold the Franciscan's Sermons, published by Kling (see above, § 80, note 6) S. 304: Sie gënt ouch niht ze frumen Steten; sie gënt ze den Wilren und ze de Dorfern gerne, und halt ze den Kiden, diu der Gense buetent an dem Velde. Und etewanne gien-gen sie gar in geistlichem Gewande und swernt niht durch dehein Dinc,

clergy, and against the abuses of the Church,³ and from time to time there rose a stirring sense of the necessity of a reformation to counteract them.⁴ On comparison of the morals of the clergy

dâ bi wart man sie erkennen. Nû wandelnt sie ir Leben und ir Ketzerie, rehte als der mâne, der sich dâ Wandelt in sô manige Wise. Alsô tragent nû die Ketzer Swert und Mezzer, langez Hâr, langez Gewant, und swernt die Eide nû. Sie haeten etewanne den Tôt ê geliten: wanne sie sprâchen, Gôt der haeten die Eide verboten. Und ir Meister habent sie in nû erloubet, daz sie Eide swern. S. 308 also is worthy of note: Ez war ein verworhter Ketzer, der mahte Lieder von Ketzerie, und lêrte sie diu Kint an der Straze, daz der Liute dester mêr in Ketzerie vielen. Berthold wisht for this reason that they might be counteracted by orthodox hymns by good authors.

³ See above, § 62. not. 18 and 20, § 63. not. 28, § 65. note 10 and 14: How Conrad von Lichtenau saw in the conduct of Gregory IX. towards Frederick II. a prodigium ruentis Ecclesiae (see above, § 55. not. 11): So also did the men of Provence naturally enough in the evils which betell their country. Compare the Troubadour Guill. Figueira about 1244 (in Millot ii. 451): Rome, tu te fais un jeu d'envoyer les Chrétiens au martyre. Mais dans quel livre as-tu lu, que tu doives exterminer les Chrétiens?—Comme une bête enragée, tu as dévoré les grand et les petits. Que le brave comte Raimond vive encore deux ans, il fera repentir la France de s'être livrée à tes impostures. Tes crimes sont montés si haut, que tu méprises Dieu et ses Saints. Ta tyrannie éclate par l'injustice, que tu fais au comte Raimond.—Rome, je me console par l'espérance, que dans peu tu auras une mauvaise fin!

⁴ Compare La Bible de Guiot de Provins above § 62. note 20, Abbot Joachim § 70. note 8, and the complaints of the Minnesingers, for instance Walther v. d. Vogelweide (herausgeg. v. Lachmann. Berlin 1827. S. 33):

Alle Zungen suln ze Gote schrien wâfen (wehe!),
und rüefen ime, wie lange er welle slâfen.
Si widerwürkent siniu Were und felschen siniu Wort.
Sin Kameraere stilt im sinen Himmelhort (himmelsschatz),
Sin Süener mordet hie und roubet dort,
Sin Hirte ist zeinem Wolve im worden under sinen Schâfen.
Diu Kristenheit gelepte nie sô gar nâch Wâne;
die si dâ lêren solten, die sint guoter Sinne âne;
es waer ze vil, und taet ein tumber Leie daz.
Si sündent âne Vorhte: darumb is in Got gehaz.—
Swelh Herze sich bi disen Ziten niht verkêret,
Sit daz der Bâbest selbe dort den Ungelouben mêret,
Dâ wont ein saelic Geist und Gotes Minne bi.
Nû seht ir, waz der Pfaffen Were, und waz ir Lêre si.
E daz was ire Lêre bi den Werken reine:
Nû sint si aber anders sô gemeine,

with those of the heretics, the advantage is decidedly in favour of the latter;⁵ so it cannot seem strange, if in the 13th century,

Daz wirs Unrechte wûrken sehen, Unrechte hoeren sagen,
Die uns guoter Lère Bilde solten tragen:
Des mugen wir tumben Leien wol verzagen.

Bruder Wernher (Minnesinger v. F. II. v. d. Hagen ii. 231):

Wir Leijen han die Wisel vloren (die Wegweiser verloren), die
unser solten pflegen,
Nu grifen selbe (suchet selbst) nach den Pfæden, wir struchen bi
(straucheln auf) den Wegen.

Meister Stolle (at the end of the 13th century in v. d. Hagen iii. 5):

Der Babes solte ein Houbet sin der Kristenheite gar,
unt daz er si beschirmete vor den unrechten dar;
er solte ouch ir Rihter sin:
nu dunket mich, wie er sie gar verkere.
Wir Leien sin der Pfaffen Spot,
si helfent al einander uns betriegen.
Daz erwendet vaterliche, Got;
Sit sie durch Guotes Gîrikeit an juwern Buochen liegen (lügen),
unt velschen den Gelouben, da wir solten an genesen:
sit si nach Rehte night entuont, wie möhte dan ein Leie guot
gewesen?

⁵ Innocentii III. lib. vii. ep. 75: Haeretici incautos tanto facilius post se trahunt, quanto ex vita Archiepiscopi et aliorum Praelatorum Ecclesiae contra Ecclesiam sumunt perniciosius argumentum, et aliquorum crimina refundunt in Ecclesiam generalem. Pseudo-Rainerii Summa (see below, note 11) cap. 3 (in Bibl. PP. Lugd. xxv. 263): Sex sunt causae haeresis. Prima inanis gloria.—Secunda est, quia omnes, scil. viri et foeminae, parvi et magni, nocte et die, non cessant docere et discere.—Quidam haereticus ad hoc tantum, ut quandam a fide nostra averteret et ad suam converteret, nocte, tempore hyemali, per aquam, quae Ibsa (Ips, a river in Lower Austria) dicitur, ad ipsum natavit.—Tertia causa haeresis est, quia novum et vetus Testamentum vulgariter transtulerunt: et sic docent et discunt. Audivi, et vidi quandam rusticum idiotam, qui Job recitavit de verbo ad verbum, et plures, qui totum novum Testamentum perfecte sciverunt.—Quarta causa haeresum est scandalum de malo exemplo quorundam. Unde cum quosdam vident male vivere, dicunt: Sic Apostoli non vixerunt, nec nos, qui sumus imitatores Apostolorum. Quinta causa est insufficientia doctrinae quorundam, qui praedicant quandoque frivola, quandoque falsa. Unde quidquid Ecclesiae doctor docet, quod per textum novi Testamenti non probat, hoc totum pro fabulis habent, contra Ecclesiam. Sexta causa est irreverentia, quam quidam ministri Ecclesiae perhibent

we find the earlier parties more widely spread than before, and fresh sects sprung up along side of them. Yet the number of new names of heretics in this period is far greater than that of new parties.⁶

Sacramentorum. Septima causa est odium, quod habent contra Ecclesiam. On their manners *ibid.* cap. 7. p. 272: Haeretici cognoscuntur per mores et verba. Sunt enim in moribus compositi et modesti: superbiam in vestibus non habent, quia nec pretiosis, nec multum abjectis utuntur. Negotiationes non habent propter mendacia, et juramenta, et fraudes vitandas; sed tantum vivunt de labore, ut opifices. Doctores etiam ipsorum sunt *sutores et textores*. Divitias non multiplicant, sed necessariis sunt contenti. Casti etiam sunt, maxime Leonistae. Temperati etiam sunt in cibo et potu. Ad tabernas non eunt, nec ad choreas, nec ad alias vanitates. Ab ira se cohibent: semper operantur, discunt vel docent, et ideo parum orant. Item ad Ecclesiam fide vadunt, offerunt et confitentur, et communicant, et intersunt praedicationibus; sed ut praedicantem capiant in sermone. Cognoscuntur etiam in verbis praecisus et modestis. Cavent etiam a scurrilitate et detractatione, et verborum levitate, et mendacio, et juramento. Nec dicunt: *vere*, vel *certe*, et similia: quia haec reputant juramenta. Item ad quaestiones raro directe respondent. Ut, si quaeratur ab ipsis: *Scistu Evangelium vel Epistolas?* respondent: *Quis docuisset me ista?* etc.

⁶ Frederick II. in his law against heretics dd. Paduae 22. Febr. 1224 (in Hartzheim Concill. Germ. iii. 509. Petri de Vincis epist. i. 27, adopted a second time into a Bull of Innocent IV. of the 22d May 1253) enumerates the following heretical parties, whose names vary much in part in different texts: Patarenos, Speronistas (*al. Sporonistas*), Leonistas, Arnaldistas (*al. Arrianistas*), Circumcisos, Passaginos, Joseppinos, Carracenses (*al. Garratenses*, in Rainer *Concorrezenses*), Albanenses, Franciscos, Bagnarolos (in Rainer *Bajolenses*, *al. ex conjectura Begardos*), Comistos (*al. Comistas*, *al. Commissos*), Waldenses, Runcarolos (*al. Romanolos*, *al. Burgaros*), Communellos, Warinos (*al. Varrianos*, *al. Barrinos*), et Ortolenos (*al. Ortulenos*, *al. Ortoleivos*, in *Pseudo-Rainerius*: *Ortlibenses* and *Ortlibarii*) cum illis de aqua nigra. Berthold, the Franciscan, in his Sermons published by Kling s. 302: *Eia heizent Poverlewe* (i. e. *Pauperes de Lugduno*), und eine *Arriani*, und *Rinkeler*, und *Manachei*, und *Sperer*, und *Swirder*, und *Arnolder*. *Pseudo-Rainerius* c. 6, besides those above mentioned speaks of the *Syfridenses* also (this reading, which is found in the Variis lectt., should be substituted for *Siscidenses* the false reading in the text) — Among these names we may refer the following to the Cathari: Patarenos, Manichaeos, Arrianos (see §. 87 note 7), and the names of the Catharic sects Albanenses, Concorrezenses, and Bajolenses, of which below. The Joseppini are probably the Perfecti of the Cathari, who lived like Joseph and Mary in an appearance of marriage (*Pseudo-Rainerius* c. 6 *in fine*: *Josephistae contrahunt matrimonium spirituale*,

We learn most about the state of the earlier sects from the controversial works of their enemies: Such as that of Lucas, Bishop of Tuy, in Galicia (about 1236),⁷ against the Albigenses; of the Dominican Yvonetus (about 1278)⁸ against the Waldenses; and of the Dominicans and Inquisitors Stephanus de Borbone, in Lyons, (about 1225);⁹ Moneta, in Bologna (after 1240),¹⁰ and Rainerius Sacchoni in Lombardy († 1259),¹¹ against both parties.

et praetur coitum omnes delectationes exercent). The names of the Waldenses (Leonistas, German Poverlewe), of the Arnaldists and Passagier (Circumcisos, Pasaginos see above §. 87. note 33) need no explanation. The rest of the names seem to have been local names adopted in part from chiefs, who exercised a special influence in a certain region (e. g. Ortliebenser from Ortlieb, see below note 33), Sifridenses, Berthold's Swirder, from Sifried, probably the name of a Waldenser in some part of Germany, cf. *Pseudo-Rainerius c. 6. init.* concordant cum Waldensibus fere in omnibus &c.), in part from the places which were their head quarters (e. g. Rünkeler Runcarii, see *Pseudo-Rainer c. 6. in fine*: Haeretici quidam vocantur ex loco, ut Runcarii a villa, probably from Runkel: thus the Speronistae in Berthold Sporer, as well as Robertus de Spornore §. 87. note 18. probably took their name from Sparone, a market-town in the Piedmontese province of Ivrea), in part from their employment (texerants, see above §. 87. note 7.), comp. J. Grimm in the Wiener Jahrbüchern xxxii. 213.

⁷ Lucae Tudensis Episc. de altera vita fideique controversiis adv. Albigensium errores lib. iii. prim. ed J. Mariana, Ingolstad. 1612. 4. and in Bibl. PP. Ludg. xxv. 188.

⁸ Tractatus de haeresi Pauperum de Lugduno in Martene thesaur. anecdot. v. 1777. D'Argentré collectio judicior. i. 95 discovered that the author, who is there anonymous, was the Dominican Yvonetus. According to a communication from Professor Schmidt in Strasburg, this tract is to be found in the library of that place, in three manuscripts agreeing with each other, revised by a German, in the same way as that of Rainerius by Gretser (note 11.)

⁹ Comp. above §. 88. note 4. The extracts which belong to this place from Stephani de Borbone lib. de septem donis Spiritus Sancti d'Argentré collect judiciorum. i. 85—91.

¹⁰ Monetæ Summa adv. Catharos et Valdenses libb. v. ed. Thom. Aug. Ricchini. Romæ 1743. fol.

¹¹ His Summa de Catharis et Leonistis in Martene thesaur. anecdot. v. 1762 and in d'Argentré i. 48 is of especial weight in reference to the Cathari, comp. it in Martene v. 1763: Ego Frater Raynerius, olim haeresiarcha, nunc Dei gratia sacerdos in Ordine Praedicatorum. —annis XVII. conversatus sum cum eis (Catharis). Afterwards he

The Cathari, or as they are now more commonly called, the Albigenes or Bulgarians,¹² did not only maintain their ground in Southern France,¹³ but increased in number chiefly in

was an Inquisitor, and as such was banisht from Milan by Palavicini (see below note 14.) His *Summa* was much in use, but it was also greatly enlarged by additions (as Yvonetus note 8.) Thus the *Codex Rotomag.* in Martene, the *Codex Cadomensis* in d'Argentré, and the *Codex Dublinensis* (see Echardi scriptt. Ord. Praed. i. 154), have each of them their peculiar additions to the end, they are, however, plainly distinguisht from the genuine *Summa*. In other Codd. there are found on the contrary additions at the beginning and end, and even united to the *Summa* without distinction. Manuscripts such as these, but differing from each other, furnish the materials for the quotations in the anonymous treatise of the year 1415, in H. v. d. Hardt *rerum Conc. Const.* t. iii. p. 663, and Gretser's edition (with the conjectural Title *contra Waldenses*, 1613, also in *Bibl. PP. Ludg.* xxv. 262). This *Summa* of Gretser's, which according to the preface by d'Argentré i. 47, is erroneously considered as a genuine work of Rainer's, and indeed as the second edition of his *Summa* prepared by himself, consists of ten chapters, and contains in the sixth chapter, together with other matter, Rainer's genuine *Summa*. All the rest was gathered from many sources, with great confusion and carelessness, by a German Inquisitor, who lived in Austria, probably at the end of the 13th century. As a help for the history of heretics in Germany, this Pseudo-Rainerius, as I have already several times called him, should not be overlookt, comp. my *Comm. Crit. de Rainerii Sachoni Summa de Catharis et Leonistis* (Göttinger Osterprogramm 1834.) The so-called *Summa Rainerii* in Claudii Coussort *Waldensium ac quorundam aliorum errores confutati* (Paris. 1548. 8. fol. 123) contains nothing of Rainerius, but only Excerpta from Yvonetus, and at the end some lines from Stephanus de Borbone.

¹² On their name see Stephanus de Borbone in d'Argentré i. 90: *Dicti sunt Albigenes.*—*Dicuntur etiam a Lombardis Gazarì vel Pathari: a Teutonicis Kathari vel Kataristae: dicuntur etiam Burgari, quia latibulum eorum speciale est in Burgaria: gallice etiam dicuntur ab aliquibus Popelicanì.*—Matth. Paris ad ann. 1236 p. 214: qui vulgariter dicuntur *Patherini* et *Bulgares*. The appellation Bulgari is also to be found in the *Chron. Antissiodorensis* (written in 1211) ed. Camussaci p. 96. 102, *Bulgri* in Albericus p. 569, *Bogri* in *Chron. Lobliense* in Martene thes. iii. 1427. The French forms are *Boulgare* and *Boulgre* (see § 59, note 39), from which afterward rose *Bougre*.

¹³ *Hist. générale de Languedoc* iii. 319. C. Schmidt die Katharer in Südfrankreich in der ersten Hälfte des 13ten Jahrh. in den Strassburger Beiträgen zu d. theolog. Wissenschaften. Heft i. Jena 1817, S. 85. Compare above § 89, note 34.) During the wars of Raymond VII. (1220—1229) and his rising (1239—1242) they came forth again more publicly (Schmidt S. 123. 144): Whilst the Inquisition was active they kept themselves concealed, and some fled into Northern

Upper Italy,¹⁴ where the political distraction of the country was advantageous to them, and where Milan¹⁵ continued to be their

Italy. Their head-quarters, the Castle of Montségur, was taken in 1244 by Raymund VII., who was forced to this step (Schmidt 155): the party did not disappear from this country till the 14th century.

¹⁴ Thus in the year 1225 at Brescia cf. Honorii iii. epist. ad Episc. Ariminens. et Brixiensem (in Raynald ann. 1225 no. 47): In civitate Brixiae, quasi quodam haereticorum domicilio, ipsi haeretici et eorum fautores nuper in tantam vesaniam proruperunt, ut, armatis turribus contra Catholicas, non solum Ecclesias quasdam destruxerint incendiis et ruinis, verum etiam, jactatis facibus ardentibus ex eisdem, ore blasphemio latrare praesumpserint, quod excommunicabant Romanam Ecclesiam etc. He commanded that the towers from which this outrage had been perpetrated should be destroyed: nevertheless opposition ensued, see Raumer's Gesch. d. Hohenstaufen, vi. 309, not. r. ex Regest. Honorii.—Gregory IX. in 1227 upbraids the whole of Lombardy for toleration of heretics (see Raumer iii. 417 ex Regest. Gregor.); compare Brother Wernher above § 55, note 25.—The heretics then enjoyed full toleration, in the territory of Ezzelinus da Romana, an utterly infidel prince (cf. Rolandus lib. vi. c. 5. in Muratori scriptt. rer. Ital. viii. 257), and Palavicini (cf. Annales Mediol. cap. 31. ad ann. 1259 in Muratori xvi. 662: Ubertus Marchio Palavisinus, qui Fratrem Raynerium Ordinis Praedicatorum, Inquisitorem haereticorum, natione Placentinum de Mediolano ejici praecepit,—fuit dominus civitatum Mediolani, Cremonae, Placentiae, Papiae, Novariae, Vercellarum, Terdonae, Alexandriae, Comarum et Brixiae. Iste in tantum fuit pestifer haereticus, quod in civitatibus, ubi dominabatur, haeretici publice suos errores praedicabant, scholas et doctores in Cathedris habebant. Nec poterat aliquis Inquisitor haereticorum officium inquisitionis facere. Ille himself publice fuit confessus, quod nihil credebatur de fide christiana, nec alicui haeresi.)—About this time lived Armandus Pungilupus in Ferrara, who was honoured as a saint after his death († 1269), but at last in 1301, after a lapse of thirty years, he was declared by Boniface VIII. to have been a concealed Catharic. See the acts at full length in Muratori antiquitates Italicae medii aevi v. 93. Pseudo-Rainerius c. 3: In omnibus vero civitatibus Lombardiae et in Provincia, et in aliis regnis et terris plures erant scholae haereticorum quam theologorum, et plures auditores: qui publice disputabant, et populum ad solemnes disputationes convocabant, in foro et in campis praedicabant et in tectis: et non erat, qui eos impedire auderet propter potentiam et multitudinem fautorum ipsorum.

¹⁵ Compare Frederick's II. charge against the Pope, above § 55, note 19 and 22.—Matth. Paris ann. 1236 p. 433: Erat civitas illa (Mediolanum) omnium haereticorum, Paterinorum, Luciferanorum, Publicanorum, Albigeniensium, usurariorum refugium et receptaculum.—Incertus auctor in Urstisii Germ. histor. ii. 90: Ann. Dom. MCCXXXI. facta est persecutio contra haereticos, hostes fidei, veritatis inimicos, quorum multitudo magna latitabat in populo Dei, in

principal abode. But they spread themselves also into the rest of Italy,¹⁶ as far as Spain,¹⁷ and throughout Germany;¹⁸ they

civitatis, oppidis et villis, subvertentes et in errorem mittentes quos poterant de Ecclesia. Quorum plures comprehensi—et confessi sunt,—quod annualem censum transmittere solebant Mediolanum, ubi diversarum haeresium primatus agebatur. Trithemius in chron. Hirsaug. ann. 1230 had this passage before him, but he thus extends the last notice: Unum Mediolani erroris sui Patriarcham habebant, inter consimiles latitantem, ejus mandatis obtemperabant in omnibus, eum Christi vicarium esse dicentes, cui singulis annis ex omnibus locis atque provinciis—censum destinabant annuum.)—Matth. Paris ann. 1240. p. 542: Mediolanenses autem tunc temporis formidine poenae potius, quam virtutis amore, haereticos, qui civitatem suam pro magna parte inhabitabant, ut famam suam redimerent, et accusationi imperiali liberrime responderent, combusserunt; quamobrem numerus civium nimis est mutilatus.—However after 1259 full toleration was again established under Palavicini see Ann. Mediol. above note 14.

¹⁶ Particularly in Florence after 1228 where Philip Paternon was Bishop of the Cathari (Raumer iv. 187);—in Rome in the year 1231 (Raynald ad h. a. no. 13 ss.):—in Viterbo 1235 (Raynald ad h. a. no. 15, from the antient Vita Gregorii IX.: Ibi multos haereticos, quorum unus Joannes Beneventi Papa dicebatur,—damnavit);—in Sicily: Frederici Imp. constit. Sicul. lib. i. tit. i. (in the year 1231): Ab Italiae finibus, praesertim a partibus Longobardiae, in quibus pro certo perpendimus ipsorum nequitiam amplius abundare, jam usque ad regnum nostrum Siciliae suae perfidiae rivulos derivarunt.

¹⁷ Especially in Leon (Lucas Tudensis iii. c. 9), where they allowed Arnaldus one of their companions, as Lucas asserts, to be honoured as a saint by the people.—Matth. Paris ann. 1234. p. 395 speaks of an attack made by the Albigenses on the Christians of Spain, which however ended in a crusade and the complete extermination of the former.

¹⁸ Comp. Gesta Trevir. ad ann. 1231 (ed Wyttenbach et Müller i. 319): In the time of Conrad of Marburg it is stated, in ipsa civitate Treviri tres fuisse scholas haeticorum.—Et plures erant sectae, et multi earum instructi erant Scripturis sanctis, quas habebant in theutonicum translatis.—Eo tempore (1238) Trevirensis Archiepiscopus (Theodericus) synodum tenuit, in qua ipse publice enunciavit, haereticos in sua dioecesi habere Episcopum, quem cognominassent secundum suum nomen Theodericum, et idem alibi fecisse de Episcopis locorum; itemque eos habere communiter Papam, quem secundum catholicae Ecclesiae Episcopum nuncuparent Gregorium, ut, si interrogarentur de fide, eam fidem se habere dicerent, quam haberet Papa Gregorius, et ille Episcopus sic nominatus, nostrum nominantes et suum intendentes. Thus also Albericus chron. p. 569 relates of the Bulgri: habebant isti quasdam vetulas, quibus nomina subornata imposuerunt, ita ut una diceretur sancta Maria, altera Ecclesia sive lex Romana, altera sanctum Baptisma seu Matrimonium, sive sancta Communio vocabatur: et quando dicebant in examinatione: ego credo quicquid credit sancta

were very numerous in Bosnia and the adjoining countries, often the prevailing party,¹⁹ and they maintained in all lands a close connection with each other.²⁰

Ecclesia seu lex Romana, eorum erat intentio ad illam vetulam, quam ipsi vocabant Ecclesiam, et sic de aliis.) In eadem synodo tres fuerunt haeretici praesentati, quorum duo sunt dimissi, unus exustus. In the brief in which Gregory IX. calls upon the Archbishop Theoderic to continue this persecution (in Hartzheim Concil. Germ. iii. 540), he complains, quod Teutonia, quae—catholicae viriditate fidei et operum pietate redolere consuevit haecenus et vigere, nunc apparet plena sentibus et foedata sordibus vitiorum. The Landgrave Conrad in the year 1233 destroyed many heretical Schools in the Hessian territory, and also an entire village Weilandsdorf now Willnsdorf in Siegenschen, because of its heresy, see the Reimchronik in Kuchenbecker's *Analecta Hassiaca* col. vi. p. 250. Pseudo-Rainerius c. 3. enumerates forty-one schools of heretics in the diocese of Passau.

¹⁹ Comp. § 87, note 34. Honorius III. in 1226 praises Colomannus, Dux Sclavoniae, for being willing to exterminate the heretics in Bosnia (Fejér codex diplomaticus Hungariae III. ii. 99), and censures Joannes ultioris Sirmii dominus, for not entering on the crusade vowed against them (p. 101.) In the year 1233 the Bishop of Bosnia was deposed for heresy (p. 341) and Nicolselavus, Dux de Bosna, whose predecessors were once addicted to heresy, renounced it on oath (p. 342.) In 1234 Gregory IX. sent a Legate to preach a crusade against heretics: tanta in Bosnia et vicinis provinciis exerevit copia perfidorum, quod jam tota terra velut deserta et invia luget et languet (p. 379, comp. 396 f.) Zibislaus, Knes v. Woscura, in 1236 is inter Principes Bosnensis dioecesis, infectos macula haereticae pravitatis, quasi lilium inter spinas (iv. i. 36.) In the year 1238 a new crusade was preacht against the Bosnian heretics in Hungary (p. 126.) Innocent IV. sent a Legate in 1243 to Croatia and Dalmatia, in order to exterminate pravitatis haereticae maculas, quibus terrae huiusmodi Ramis (?), sicut accepimus, sunt infectae. Innocent IV. ad Episc. Jauriensem etc. ann. 1247 (p. 467): tam Ecclesia quam dioecesis Bosnensis—totaliter lapsa est—in perfidiam haereticae pravitatis. Licet Archiepiscopus Colocensis—non sine magna effusione sanguinis, strage hominum, dispendiis rerum Ecclesiae Colocensis, quae temporale ibi dominium obtinuit, magnam partem illius terrae, abductis inde haeticorum multis millibus, expugnavit; quia tamen Ecclesiae munitiones et castra non fuerunt ibidem ita firmata, quod possent ab aggressoribus et obsidione defendi, terra illa in puritate fidei non potuit retineri. Ladislaus, King of Hungary, in 1280 renewed the old laws against heretics (V. iii. 35): in ducatu nostro ac dioecesi Bosnensi, et quibusdam adjacentibus terris diversae haereticae pravitatis sectae—in contumeliam Creatoris et fidei christianae opprobrium—jam dudum miserabiliter pullulasse, et damna-biliter exerevisse noscuntur.

²⁰ Epist. Yvonis ad Giraldum Archiep. Burdegalensem (in Matth. Paris ann. 1243 p. 608 ss.) Yvo an ecclesiastic was as he states himself, though innocent, charged with heresy, he withdrew from

However in the course of the 12th century a schism in doctrine had already risen among the Cathari, which probably was examination by flight, and now actually joined the heretics. Multas proinde compulsus circuire provincias, Paterinis in civitate Cumea commorantibus conquerendo narravi, qualiter pro fide eorum (quam, Deo teste, nunquam didiceram, vel sequebar) precipitatis in me sententiis exulabam. Hoc illi audito gavisii sunt, et me felicem censuerunt, eo quod persecutionem propter justitiam tolerassem. Et ibidem apud eos tribus mensibus splendide ac voluptuose procurabar, et multas quotidie errores—audiens subdicebam. Meque beneficiis obligarunt ad promittendum sibi, quod ex tunc Christianis, cum quibus morosum possem habere colloquium, praedicarem persuadendo, quod in fide Petri neminem contingeret salvari, et hanc sententiam pertinaciter edocerem. Hocque mihi fide interposita promittenti, sua coeperunt secreta detegere, perhibentes, quod ex omnibus fere civitatibus Lombardiae, et quibusdam Tusciae, Parisios dociles transmisissent scholares, quosdam logicis cavillationibus, alios etiam theologicis dissertationibus insudantes, ad astruendos ipsorum errores, et professionem apostolicae fidei confundendam. Multos etiam mercatores hac intentione mittunt ad undinas, ut pervertant divites laicos commensales et hospites, cum quibus loquendi familiariter indulgetur facultas.—Cumque a praedictis fratribus degeneribus licentiam petissem, miserunt me Mediolanum, a suis comprofessoribus hospitandum. Et sic omnes pertransiens civitates Lombardiae circa Padum, semper inter Paterinos, semper in recessu accepti ab aliis ad alios intersigna. Cremonam tandem perveniens—nobilissima Paterinorum bibi vina, rabiolas, et ceratias, et alia illecebrosa comedens, deceptores decipiens, Paterinumque me profitens, sed Deo teste, fide, etsi non operis perfectione, Christianus existens. Cremonaeque per triduum commoratus, accepta licentia a complicitibus, sed maledictione (so he now calls the benediction he had received) a quodam ipsorum Episcopo,—nomine Petro Gallo, inde—canales Alpes ingressus peregrinans.—Carinthiam pertransivi solivagus, ac deinde in quodam oppido Austriae, quod teutonice Neustat dicitur.—inter quosdam novos religiosos, qui Beguini vocantur, hospitabar. Et in proxima civitate Vienna locisque circumjacentibus aliquot annis delitui, opera confundens, heu, heu, bona et mala: vivens enim, diabolo instigante, satis incontinentem, animae meae noxius adversabar: multos veruntamen ab errore Paterinorum revocans jam saepius memorato.—Rainerii Summa in Martene thesaurus v. p. 1767: Sunt autem xvi. omnes Ecclesiae Catharorum.—Ecclesia Albanensis, vel de Donnezachio (probably Donzenae in Limosin); Ecclesia de Concorezzo; Eccl. Bajolensium, sive de Bajolo; Eccl. Vincentina (Vicenza, sive de Marchia; Eccl. Florentina; Eccl. de Valle Spoletana; Eccl. Franciae; Eccl. Tolosana; Eccl. Carcassonensis; Eccl. Albigenensis; Eccl. Slavoniae; Eccl. Latinorum de Constantinopoli; Eccl. Graecorum ibidem; Eccl. Philadelpheiae in Romania; Eccl. Burgaliae (al. Bulgariae); Eccl. Dugunthiae (al. Dugunithiae, al. Dugranicae, probably Drugurice, the same as Tragurii, see above § 87. note 18); et omnes habuerunt originem de duabus ultimis.—

caused by their connexion with the Greek heretics in Thrace made requisite by the Crusades.²¹ Just as there the Bogomili had sprung up by the side of the strongly dualist Paulicians, so among the western Cathari, by the side of the strong Dualists called in Italy Albanensians,²² a party was formed in connexion with the Bogomili, which endeavoured by the assumption of a

²¹ The first traces of this schism may be seen, in Bonacursus above § 87. note 32. and Petrus Valissarn. § 87. note 28. That the Bogomili contributed to the rise of the new party, which denied absolute Dualism, may be inferred both from their uniformity with them in doctrine, and also from this fact, that a certain Nazarius, between 1180 and 1200, brought the so-called Catharic Gospel of John from Bulgaria into Italy, see below note 23.

²² Rainerius in Martene thes. v., 1761. *Secta Catharorum divisa est in tres partes, sive sectas principales, quarum prima vocatur Albanenses, secunda Concorrezenses, tertia Bajolenses: et hi omnes sunt in Lombardia. Caeteri vero Cathari, sive sint in Tuscia, sive in Marchia, vel in Provincia, non discrepant in opinionibus a praedictis Catharis, sive ab aliquibus eorum.* Rainerius calls the three parties after their three chief communities in Upper Italy, namely those in Alba (on the Tanaro in Piedmont, this party had its chief community in Southern France in Donzenac), in Correggio (in the dukedom of Modena), and Bagnolo in Brescia (Bagnolum, vicus agri Brixienensis, Jacob. Volaterranus in Muratori xxiii., 199. Brixia, haeticorum domicilium, see above note 15). *Moneta* on the other hand is not acquainted with these names, but distinguishes between two chief parties of the Cathari, *illi qui duo asserunt principia. and illi qui ponunt unum principium.* The doctrines of the Albanensians may be seen in Rainerius p. 1768, but much more fully in Moneta, who confutes them in lib. i. comp. the latter p. 3: *Duo asserunt principia sine initio et sine fine. Unum dicunt patrem Christi et omnium justorum, et Deum lucis. Alium vero Deum credunt esse illum, de quo Christus ait Joan. 14, 30: Venit enim Princeps mundi hujus etc. Istum credunt esse Deum excacantem mentes infidelium et Deum tenebrarum.—Credunt etiam, quod iste sit Deus, de quo ait Moyses Genes. c. 1.: in principio creavit Deus caelum et terram etc, et ea, de quibus habetur in Pentateucho, in lib. Josuae, et Judicum, et Ruth, Regum, et Paralipomenon, credunt ab eo dicta et facta fuisse. Exceptis sexdecim Prophetis, et Psalmis, et quinque libris Salomonis, totam scripturam veteris Testamenti credunt ab eo esse; quidam tamen eorum Job recipiunt, et totum Esdram, sicut praedictos Prophetas, et quinque libros praenotatos. Isti credunt, visibilia ista et transitoria esse ab illo per creationem. E converso credunt, Deum patrem Christi et justorum esse creatorem permanentium tantum et aeternorum, et credunt, quod ipse alia sua quatuor elementa creaverit, et omnia, quae in eis sunt, et suos caelos, et quod ornaverit sole alio, quam sit iste visibilis, et alia luna, et aliis stellis (this loftier creation is called by them according to p. 42 Jerusalem caeleste). Dicunt*

autem et credunt, quod iste Deus sanctus et verus suum populum habuerit caelestem (often called also oves Israel) constantem ex tribus, scil. corpore et animo et spiritu. Anima intra corpus existit, spiritus vero, qui custos est animae, et rector ipsius, intra corpus non est: et quod unaquaeque anima a Deo bono creata proprium habet spiritum ad sui custodiam. Credunt etiam, quod Diabolus, qui et Satanus dicitur, invidens Altissimo, caute ascendit in caelum Dei sancti, et ibi colloquio suo fraudulento praedictas animas decepit, et ad terram istam, et caliginosum aërem duxit, et credunt eum villicum iniquitatis dici a Domino Luc. 16, 8. (According to p. 52 they thus interpret Gal. 4, 26: *illa, quae sursum est Jerusalem, libera est, quae est mater nostra*). Credunt etiam et dicunt, quod ipse Diabolus de fraude sua, quam in caelo fecerat, exaltatus, praesumpsit cum suis complicitibus in caelum ascendere: et ibi cum Michaële Archangelo bellum commisisse et devictum fuisse atque dejectum. Et de isto bello credunt intelligi illud Apoc. 12, 7, quod ad literam credunt. From this History of the Heavenly Jerusalem they explain also the prophetic books of the Old Testament; then p. 5: credunt etiam, Prophetas ante huiusmodi mundi constitutionem prophetasse in alio mundo, et prophetias eorum ad sonum literae esse intelligendas. (Thus according to them (p. 76) the invasion of the Chaldaeans and the Babylonish captivity, were the breaking in of the devil into Heaven and the imprisonment of souls.) Credunt etiam, quod Satan a Michaële dejectus de caelo animas praedictas corporibus istis veluti carceribus inclusit, et quotidie includit. (Rainerius l. c.: infundit eas quotidie in humanis corporibus et in brutis, et etiam de uno corpore eas transmittit in aliud, donec omnes reducentur in caelum). Istas etiam animas dicunt tertiam partem stellarum, de quibus dicitur Apoc. 12, 4. quod *Draco trahebat tertiam partem stellarum caeli*, ad hoc etiam, quia sunt tertia pars hominum a Deo sancto creatorum, ut opinantur, dicentes, ut praediximus, unumquemque in caelesti curia constare ex tribus praedictis. Istas autem animas credunt propter peccatum suum, quando Diabolo consenserunt in caelo.—fuisse in istum mundum dejectas a Patre iustorum, et credunt, quod dominus Jesus propter istas animas redimendas venerit de caelo in terram. (John the Baptist, according to p. 227, was a servant of the Devil, ejus baptismus fuit a Diabolo, qui misit eum baptizare, ut baptismum Christi impediret.) Istas etiam animas caelestes—credunt in his corporibus post adventum Christi in hac vitam de peccato in caelo commisso, quam de aliis peccatis in praesenti mundo commissis poenitentiam agere; et hanc poenitentiam dicant eas incipere, quando fidem suam habere incipiunt, et manus impositionem recipiunt. Hanc manuum impositionem baptismum dicunt Spiritus sancti, non baptismum aquae materialis: et credunt, quod in illa manus impositione unaquaeque animarum caelestium proprium spiritum, scilicet quem in caelo habuerat, ad regimen et custodiam suam recipiat. In fine autem, id est in novissimo die, quando omnes poenitentiam suam compleverint, simul redibunt ad caelos, et accipient corpora in caelesti curia s. terra derelicta (which bodies according to p. 49 post discessionem animarum deformia, according to p. 83, prostrata et mortua in caelo, remained behind.) Et ad hoc inducunt illud Matth. xxiv. 8: *ubicunque fuerit corpus, illic congregabuntur et aquilae*. Hanc autem

supreme principal, to escape the difficulties of Dualism, and was

receptionem corporum illorum, qui in caelesti patria surgunt, dicunt esse corporum mortuorum resurrectionem, de qua saepe agitur in Scripturis. Isti non credunt Filium, vel Spiritum sanctum esse Deum per naturam, sed creaturam tantum Dei omnipotentis. Credunt etiam Patrem majorem Filio, et diversum ab eo et Spiritu sancto in substantia, et Filium majorem Spiritu sancto, et ab ipso substantialiter diversum. Isti distinguunt inter animam et spiritum: distinctionem etiam faciunt inter Spiritum sanctum, et Spiritum paracletum, et Spiritum principalem. Spiritum sanctum appellant unumquemque illorem spirituum, quos secundum intellectum eorum Deus Pater dedit ipsis animabus ad custodiam. Illos autem spiritus ideo sanctos dicunt, id est firmos, quia firmi steterunt, nec decepti nec seducti fuerunt a Diabolo. Spiritum Paracletum dicunt Spiritum consolatorem, quem recipiunt etiam illi, quando recipiunt consolationem in Christo, et dicunt, multos esse Paracritos et a Deo creatos. Spiritum principalem dicunt unum Spiritum sanctum, de quo intelligunt illud verbum, quod orantes dicunt: *Adoremus Patrem, et Filium, et Spiritum sanctum*. Hunc autem dicunt majorem omnibus aliis Spiritibus sanctis, et ideo principalis denominatur. Hunc dicunt ineffabilis esse pulchritudinis, ita quod in illum desiderant Angeli prospicere, sicut dicitur 1 Petr. i. 12. Credunt etiam, nemini datum esse Spiritum sanctum ante Christi resurrectionem. Credunt etiam isti, b. virginem Mariam caelestem fuisse, et non habuisse corpus humanum, sed caeleste,—et animam, atque spiritum ad custodiam animae deputatum. Dicunt etiam et credunt, quod in utero Mariae descendit Christus a Patre missus in suo corpore, et anima, et spiritu, et nihil aliud traxit de Virgine, quam id, quod portaverat in ipsam:—propter quod credunt etiam illud Joan. ii. 4. dictum a Christo: *quid mihi et tibi est mulier?* quasi diceret, ut perverse intelligunt: nihil de te habui. Credunt etiam, quod his cibis usus non fuerit, aut quod famem vel sitim de hujusmodi non habuerit. Credunt etiam, quod in illo corpore caelesti passus sit et mortuus, tamen sine dolore,—Cum illo etiam corpore dicunt caelum ascendisse quadragesimo die, et ad dexteram Patris cum magno triumpho sedere, quia vicit eum, qui habebat mortis imperium, i. e. Diabolum et propter illam victoriam dicunt, quod Pater dedit ei omnem potestatem in caelo et in terra. This was, according to Rainerius l. c., the ancient system of the Albanenses, still generally received in the years 1200—1230, until Johannes de Lugio, *Bergamensis, eorum filius major et ordinatus Episcopus*, in many points departed from it. In the Italian communities the greater number of the young members followed this John, while the older members, with Belasmanza, their Bishop at Verona, at their head, remained true to the old system, which also the Cathari Ecclesiae Tolosanae, et Albigensis, et Carcassonensis, et fere omnes Ecclesiae Catharorum de ultra mare, continued to maintain (Rainerius p. 1774.) John of Lugio seems to have been led on to his peculiar opinions by the question, How could souls created good have been induced to sin? Thus he thought that good and evil had limited each other from everlasting, and

again divided into the Concorrezenses and Bagnoleuses.²³ However,

had already intermingled in the world above, so that even the good God was thus restricted in power and knowledge. Further Rainerius says, p. 1772 : *Iste Johannes recipit totam bibliam, sed putat eam scriptam esse in altero mundo, et ibidem esse formatos Adam et Evam. Item credit, quod Noë, Abraham, Isaac et Jacob, et caeteri Patriarchae, et Moyses, et Josue, et omnes Prophetæ, et b. Johannes baptista placuerunt Deo, et quod fuerint homines in alio mundo, et quod Christus natus est ex patribus secundum carnem ex. b. Virgine,—sed putat, quod omnia prædicta fiunt in alio superiori mundo, et non in isto.—Item quod verus Deus dedit in eodem mundo populo supradicto legem Moysi.—Quid plura? quicquid in tota biblia legitur fuisse in hoc mundo, ipse in quodam alio mundo ad literam fuisse convertit.* The Albanensians held the Visio Esaiæ in very high estimation (Moneta p. 218); it was an apocryphal book originally written in Greek (see vol. i. part i. § 52. note 30), which, ever since the third century, many of the Gnostic sects (Archontici, Hierakites, Priscillianists, Bogomili), prized greatly; it was probably by means of the Bogomili that it reached the western Cathari. It is probably the Latin translation used by the Cathari, which was printed in Venice in 1522, and has been lately reissued (by me in the Göttinger Pfingstprogramme 1832: *vetus translatio latina Visionis Jesaiæ edita atque præfatione et notis illustrata*, and in Engelhardt's *Kirchengeschichtl. Abhandlungen*, Erlangen 1822, s. 209 ff.)

²³ Against them Moneta lib. ii. Rainerius p. 1773 speaks as follows of the Cathari de Concorrezo: *Isti bene sentiunt de uno principio tantum, sed multi ex eis errant in Trinitate et Unitate. (Moneta p. 112: credunt, quod Christus sit minor Patre in Deitate, et Spiritus sanctus minor Christo.) Ita confitentur, quod Deus ex nihilo creavit Angelos, et quatuor elementa; sed errant credendo, quod Diabolus de licentia Dei formavit omnia visibilia, sive hunc mundum. (Moneta p. 110: dicunt, quod—Lucifer a Deo creatus est, et fuit bonus, sed propter superbiam suam contra creatorem cum multis aliis Angelis sibi faventibus de caelo ejectus est.—Satan primo venit ad videndum quod creatum erat a Deo, et cupivit hic regnare, ista autem cupiditas radix fuit omnium malorum, according to 1 Tim. vi. 10. Postea rediit, et astra caeli, i. e. Angelos multos seduxit.—Dicunt, quod sol et luna, et aliae stellæ Daemones sunt, adjicientes, quod sol et luna semel in mense adulterium committunt etc.) Item credunt, quod Diabolus formavit corpus primi hominis, et in illud effudit unum Angelum, qui in modico jam peccaverat (Moneta p. 110: quod Adæ spiritus, qui erat caelestis Angelus, ex mandato Dei venit ad videndum, qualiter Lucifer elementa distinxerat, et rerum species ex eisdem; quem Lucifer apprehendit, et in corpore carneo velut in carcere reclusit; p. 111: quod Satan alium Angelum inclusit in corpore muliebri facto de latere Adæ dormientis, cum qua peccavit Adam: fuit autem peccatum Adæ, ut asserunt, fornicatio carnalis.) Item, quod omnes animæ sunt ex traduce ab illo Angelo (Moneta p. 110: quod sicut caro ex carne per*

with few exceptions, all Cathari stood in close connexion with each other,²⁴ as also in their practical principles and customs

coitum nascitur, ita spiritus ex spiritu procreatur.) Item reprobant totum vetus Testamentum, putantes, quod Diabolus fuit auctor ejus, exceptis illis tantummodo verbis, quae sunt inducta in novo Testamento per Christum et Apostolos, sicut illud: *ecce virgo concipiet* et similia. (Moneta p. 112: sicut Moysen ministrum Diaboli credunt,—ita credunt ipsi Prophetas nuncios fuisse ejus: et si aliquando aliquid boni dixerunt de Christo, coacti a Spiritu sancto dixerunt, quod et de Moysse credunt, ubi de Christo locutus est.) Item isti omnes damnant Moysen, et ex illis multi dubitant de Abraham, Isaac et Jacob, et caeteris Patriarchis et etiam Prophetis in speciali, et multi ex eis modo bene credunt de b. Johanne baptista, quem olim omnes damnabant. Item dicunt, quod Christus non assumpsit animam humanam, sed fere omnes credunt, eum assumpsisse carnem de b. Virgine. Nazarius an old Bishop of the Concorrezensians maintained however against Rainerius (see his works p. 1773) quod b. Virgo fuit Angelus, et quod Christus non assumpsit animam humanam, sed angelicam, sive corpus caeleste. Et dixit, quod habuit hunc errorem ab Episcopo et Filio majore Ecclesiae Bulgariae jam fere elapsis annis lx. This doctrine may also be found in the Catharic Evangelium Johannis in Benoist histoire des Albigeois i. 283, and in Thilo codex apocryphus N. T. I. 884, to which in the MS. this note was added: Hoc est secretum Haereticorum de Concorrezio portatum de Bulgaria a Nazario, suo Episcopo, plenum erroribus. But Nazarius according to that passage of Rainer, and therefore also this manuscript, came into the west about 1180—1200. Besides this work would be more suitably called the Apocalypse, than the Evangelium Johannis: for it consists of questions, which John puts to Jesus about the creation of the world and mankind, the mission of Jesus, and the consummation of things, and of the direct answers of Jesus, which correspond with the views of the Concorrezenses, as well as those of the Bogomili.

Rainerius says of the Bagnolenses p. 1774, that on almost all points they agree with the Concorrezenses, excepto hoc, scilicet quod dicunt, quod animae sunt creatae a Deo ante mundi constitutionem, et quod tunc etiam peccaverunt: Moreover, they agreed with Nazarius on this point, quod b. Virgo fuit Angelus, et quod Christus non assumpsit naturam humanam ex ea, nec vere passus est aliquem dolorem in morte, sed quod assumpsit corpus caeleste.

On the extension of these two parties Rainerius says l. c.: Nulla vero Ecclesia Catharorum concordat in omnibus Ecclesiae de Concorrezio. Ecclesia Franciae concordat cum Bajolensi. Illi vero de Marchia Tervisina, et de Tuscia, et de Valle Spolitana concordant dictis Bajolensibus in pluribus quam cum Albanensibus.

²⁴ Rainerius l. c. Omnes Ecclesiae Catharorum se recipiunt ad invicem, licet habeant diversas et contrarias opiniones, praeter Albanenses et Concorrezenses, qui se damnant ad invicem.

they quite agreed.²⁵ A well organized hierarchy contributed not a little to promote this connexion.²⁶

²⁵ On this head beside Rainerius and Moneta the *Liber sententiarum* Inquisitionis Tholosanae, ab anno Chr. 1307 ad annum 1323, at the end of Ph. Limborch hist. Inquisitionis, Amstelod. 1692. fol. is of especial weight. Comp. Rainerius p. 1761: Communis opinio Catharorum est omnium, quod matrimonium carnale fuit semper mortale peccatum, et quod non punietur quis gravius in futuro propter adulterium vel incestum, quam propter legitimum conjugium.—Item credunt, quod comedere carnes, et ova, vel caseum, etiam in urgenti necessitate sit peccatum mortale, et hoc ideo, quia nascuntur ex coitu (on the other hand even the Perfecti took wine without scruple, see *Liber sent.* p. 3, 22, 42 and many places, and fish, cf. *ibidem* p. 50, 55, 57, 105, for both of which the old Manichaeans entertained the greatest abhorrence.) Item quod non licet jurare in aliquo casu, et hoc ideo esse mortale peccatum. Item quod potentes saeculares peccant mortaliter puniendo malefactores vel haereticos. Only the Perfecti, called by way of distinction Cathari, who had been fully admitted into the sect by the Consolamentum, had to observe these regulations strictly. They went about clad in black (*nigrum habitum praeferebant*, see *Petrus Vallis-sarum* above § 87, note 28), were required to avoid even the touch of a woman (*Lib. sent.* p. 150: non tangunt mulierem, nec permittunt se tangi a muliere), and dared not taste a morsel of food without prayer (*Rainerius* p. 1765: multi ex eis in suis infirmitatibus dixerunt aliquando eis, qui ministrabant eis, quod ipsi non ponerent aliquid cibi vel potus in os eorum, si illi infirmi non possent dicere *Pater noster* ad minus.) The vow which was imposed upon them was according to the App. ad Rainer. in *Martene thes.* v. 1776: Promittis, quod de cetero non comedas carnes, nec ova, nec caseum, nec aliquam victuram, nisi de aqua et ligno? quod non mentieris, nec jurabis, nec occides quicquam ex reptilibus, nec exercebis aliquam libidinem de corpore tuo, nec ibis solus, dum possis socium habere, nec solus comedes, nec jacebis sine camisia et braciis, nec relinques fidem timore ignis vel aquae, vel alius generis mortis? The Credentes, the Catechumens of the party, were not on the contrary bound by this law, and often lived licentiously, because they expected to receive full forgiveness of sin in the Consolamentum (*Rainerius* p. 1763: saepe dolent, cum recolunt, quod non impleverunt saepius libidinem suam tempore, quo nondum professi fuerant haeresim Catharorum.) They often put off the reception of the Consolamentum even to their death-bed, they made with this view a formal compact (*la convenenza*) with a Perfectus, in order that if it were impossible for them from sickness to make the necessary declaration, they might not be hindered by this from receiving the Consolamentum (*Liber sent.* p. 42: fecit convenientiam seu pactum haereticis, quod vellet recipi in fine suo ad sectam et ordinem ipsorum: this is often mentioned.) When those who were thus admitted in case of recovery, were bound as Perfecti to observe the rules of the sect, they were not always believed to possess the requisite firmness; so

When the persecutions began the Waldenses were standing

they were commonly urged after the reception of the Consolamentum, to undergo the Endura (from the provençal word *endurar*, abstinence), in other words, to refrain entirely from meat and drink, in order to make their death certain (e. g. Lib. sent. p. 28 : Montolina—*se posuerat in endura, quam servabat, et in qua obiit recepta in sectam haereticorum* :—per sex septimanas steterat in endura, et nec comederat, nec biberat nisi aquam). Accordingly the number of the Perfecti in comparison with that of the Credentes was very small (Rainerius p. 1768 : O lector, dicere potes secure, quod in toto mundo non sunt Cathari utriusque sexus numero quatuor millia, Gretser's Text Bibl. PP. Lugd. xxv. 269 adds to this : sed *Credentes* innumeri). The Credentes provided the Perfecti with all necessities, and brought them money, clothing, bread, wine, fruits, and fish (Lib. sentent. in many places) : they greeted them whenever they met them with a respectful salutation (Lib. sent. p. 132 : quando veniebat ad eos, et quando recedebat ab eis, salutabat eos modo haereticali amplexando, ponendo manus ad utrumque latus, et vertendo caput ter ad utrumque humerum ipsorum, dicendo qualibet vice *benedicite*). The women, on the other hand, since they might not venture to touch the Perfectus, greeted him, p. 24, inclinando caput junctis manibus) : often, especially at the end of meetings for Divine service, they rendered them an *Adoratio* (Lib. sent. p. 13. flectendo genua ter junctis manibus inclinando se profunde coram eis [p. 21. ponendo manus usque ad terram, p. 10. inclinando se super unam bancam] et dicendo ter *benedicite*, p. 56 : et in fine : *boni Christiani, rogate Deum, quod perducat nos ad bonum finem*, or p. 30 : *boni Christiani benedictionem* ; et ipsi respondebant : *a Deo habeatis et a nobis* ; or p. 10 : *Deus vos benedicat* or p. 197 : *Deus vos perducat ad bonum finem*). According to Rainerius p. 1762 the Cathari had four sacraments, namely 1. *Impositio manus* (Lib. sent. p. 6 : quam ipsi vocant *baptismum spiritualem*, seu *consolamentum*, vel *receptionem*, et *bonum finem*), compare the descriptions in Ermengard above §. 87. note 26, in the appendix to Rainerii Summa in Martene thes. v. 1776, and in Lib. sent. p. 52. 186. 190. 249. At the end of this (see App. ad Rainerium) datur illi haereticato quoddam filum subtile lineum vel laneum pro habitu, quem portat supra camisiā, et sic ille postmodum dicitur *haereticus indutus*, or as in Lib. sent. p. 152. 169 *haereticus vestitus*. 2. The *fractio panis*. At every meal bread was broken by the chief person present, consecrated and distributed with prayer. Pieces of this consecrated bread (Lib. sent. p. 29 : panis benedictus, quem vocant panem sanctae orationis) were distributed also to the Credentibus, and kept by them : afterwards they partook of them from time to time. (Lib. sent. p. 111. 160). This was their Lord's Supper, but it was unaccompanied by belief in Transubstantiation. 3. The *poenitentia*, a public confession of sin, which in the case of lighter transgressions was fulfilled once a month. In case of more grievous sins the Consolamentum had to be repeated. 4. *Ordo*. see note 26.

²⁶ See Yvo's letter above note 20.—On their hierarchy Rainerii

so near the Catholic Church, that a reconciliation seemed to be

Summa in Martene thes. v. 1766 : Ordines Catharorum sunt quatuor. Ille, qui est in primo et maximo Ordine constitutus, vocatur Episcopus : ille, qui in secundo, Filius major : ille qui in tertio, Filius minor : et qui in quarto et ultimo. dicitur Diaconus. Caeteri, qui inter eos sunt sine Ordinibus, vocantur Christiani et Christianae. Officium Episcopi est, tenere semper prioratum in omnibus, quae faciunt, scil. in impositione manus, in fractione panis, et in incipiendo orare. Idem servat Filius major absente Episcopo, similiter facit Filius minor, absente Episcopo et Filio majore. Praeterea isti duo Filii, simul vel separatim, discurrent visitare Catharos et Catharas omnes, qui sunt sub Episcopo, et omnes tenentur obedire eis. Similiter in omnibus servant et faciunt Diacones, unusquisque in suis subditis, absentibus Episcopo et Filiis. Et est notandum, quod Episcopus et Filii habent in singulis civitatibus, maxime in quibus morantur Cathari, singulos Diacones. The Bishop with his two sons was perhaps a representation of the Divine Hierarchy, as it was acknowledged by the Euchetae (πατήρ, υἱὸς πρεσβύτερος, υἱὸς νεώτερος, see Part i. §. 45. note 5), the Bogomili (see below §. 96), and according to them by the Concorrezenses also (note 23). That the Hierarchy of the Cathari was constituted at this time, is plain from the following remark of Rainer, that formerly after the death of a Bishop, the Filius minor used to consecrate the Filius major as Bishop : that this however was now altered by the Cathari dicentibus, quod per talem ordinationem Filius instituat Patrem, quod satis apparet incongruum. Thence rose the custom that every Bishop before his death should consecrate the Filius major to be Bishop. There is much to be said in favour of the supposition, that a Pope stood at the head of the Catharic Hierarchy. In Conradi Portuensis Episcopi et apostolicae sedis Legati ep. ad Gaufridum Archiep. Rothomagensis in the year 1223 (in Martene thes. anecdot. i., 901, more correctly among C. L. Hugo sacrae antiquitatis monumenta, Stivagii 1725. fol. p. 115) we find : Ille homo perditus, qui extollitur super omne quod colitur, aut quod dicitur Deus, jam habet perfidiae suae praeambulum Haeresiarcham, quem haeretici Albigenenses *Papam* suum vocant, habitantem in finibus Burgarorum, Croatiae et Dalmatiae, juxta Hungarorum nationem.—Ad eum conflunt haeretici Albigenenses, ut ad eorum consulta respondeat.—Iste Satan quendam suae perversitatis hominem usque in Agensem dioecesin destinavit nomine Bartholomaeum Cartes, est enim de Carcassona oriundus, vices illius Antipapae agentem, ut illis corruptis partibus propinet uberius fel Draconis in calice Babilonis. Cui Bartholomaeo Vigorosus de Barcelona haeticorum Episcopus funestam exhibendo reverentiam, sedem et locum suum concessit in villa, quae dicitur Poreus (*al. Poiros*), et se ipsum transtulit in partes Tholosanas. Iste Bartholomaeus in literarum suarum undique discurrentium tenore, se in primo salutationis alloquio intitulat in hunc modum : *Bartholomaeus servus servorum sanctae fidei, tali salutem*. Ipse etiam inter alias enormitates creat Episcopos, et Ecclesias perfide ordinare contendit.

by no means difficult. Remarkable in this view, is the attempt of Durandus de Osca (1210) who had returned to the Catholic Church—an attempt which met the approval of Innocent III., to constitute the *Pauperes de Lugduno*, as monastic *Pauperes catholici*:²⁷ however no comprehensive or lasting results were

This so-called Pope may have been the chief of the Bogomili, who at the head of 12 Apostles presided over the sect, and maintained their connection with the western Cathari. In the west an analogous institution may have risen in individual communities, to which Eckbertus seems to allude above § 87. note 12 and Stephanus de Borbone in d'Argentré i. 90: *Dictus autem Manes, ut dicit Augustinus, XII. elegit ad exemplum Christi, quos Apostolos nominavit: quod adhuc tenent Manichæi: unde habent supra omnes Magistratum principalem, alios Episcopos et Presbyteros ab eis ordinatos, et Diaconos, quos Electos vocant.* Still this may be explained by its having been only a hearsay about the head of the Bogomili. It is certain that among the Cathari no such institution arose with any widely extended influence, for Rainerius who was well acquainted with his subject, and describes in detail the Catharic Hierarchy, says nothing about it. A Papa Niquinta or Nicetas does indeed make his appearance in Languedoc in 1167, see § 87. note 18, a Patriarch at Milan in Trithemius above note 15, a certain Joannes Beneventi, Papa in Viterbo note 16, and a Papa Gregorius in the *Gestis Trevir.* note 18: In the year 1229 ille pestifer qui dicebatur Apostolicus Albigenium Guillelmus nomine, was burnt to death (Albericus p. 529.) However these statements agree too little with each other, and are quite explained by the fact, that all Catharic Bishops were called also *Patres* and *Papae*, with reference to the Filius major and minor: besides the Catholics merely from analogy may have transferred the notion of the Papacy to certain distinguished Catharic Bishops.

²⁷ Innocent. III. lib. xi. ep. 196. communicates to the Archbishop of Tarragona and his Suffragans the confession of faith, upon which Durandus de Osca was received back by the Pope, and the approved *Propositum conversationis*; and charges him likewise to admit again into the Church, those Waldenses who would swear to the same conditions. The chief points of the *Propositum* are the following: *Ad honorem Dei et ejus Ecclesiae catholicae, et ad salutem animarum nostrarum, fidem catholicam per omnia et in omnibus integram et inviolatam corde credere et ore proposuimus confiteri, sub magisterio et regimine Romani Pontificis permanendo. Saeculo abrenunciavimus, et quae habebamus, velut a Domino consultum est, pauperibus erogavimus, et pauperes esse decrevimus: ita quod de crastino solliciti esse non curamus, nec aurum nec argentum vel aliquod tale praeter victum et vestitum quotidianum a quoquam accepturi sumus. Consilia evangelica velut praecepta servare proposuimus.—Cum autem ex magna parte clerici simus et paene omnes literati: lectioni, exhortationi, doctrinae, et disputationi contra omnes errorum sectas decrevimus de sudare.—Per*

thus attained. Moreover the horrors of the persecution had no further effect on the surviving Waldenses, than to confirm

honestiores autem et instructiores in lege Domini et in ss. Patrum sententiis verbum Domini censuimus proponendum in schola nostra fratribus et amicis, cum Praelatorum vero licentia et veneratione debita, per idoneos et instructos in sacra pagina fratres, qui potentes sint in sana doctrina arguere gentem errantem, et ad fidem modis omnibus trahere, et in gremio s. Romanae Ecclesiae revocare.—Religiosum et modestum habitum ferre decrevimus, qualem consuevimus deportare, calciamenis desuper apertis ita speciali signo compositis et variatis, ut aperte et lucide cognoscatur nos esse, sicut corde, sic et corpore, a Lugdunensibus et nunc et in perpetuum segregatos, nisi reconcilientur catholicae unitati.—Si qui vero saecularium in nostro voluerint consilio permanere, consulimus, ut, exceptis idoneis ad exhortandum et contra haereticos disputandum, caeteri in domibus religiose et ordinate vivendo permaneant,—manibus laborando, decimas, primitias et oblationes Ecclesiae debitas persolvendo. Ibid. epist. 198 ad Durandum, the Pope grants at his request iis qui remanentes in saeculo ad honorem Dei et salutem animarum suarum in vestro proponunt consilio permanere,—ne contra Christianos cogantur ad bellum procedere, vel pro rebus saecularibus—juramentum praestare, only with this addition, quantum sine aliorum praepudio et scandalo possunt salubriter observari, maxime cum permissione saecularium dominorum. Lib. xii. ep. 17. ad Archiep. Mediolan. Durandus was come to Milan, and here also had converted many Waldenses. The Pope writes to the Archbishop, that according to Durandus's assertion, alii fere centum reconciliari volebant, dummodo quoddam pratum, quod commune Mediolanense ipsis olim concesserat, in quo sua schola constructa consueverant convenire ac exhortari fratres adinvicem et amicos, quam bonae memoriae praedecessor tuus destrui fecerat, dum essent excommunicationis vinculo innodati, et nunc iterum est erecta, ipsis concedere velles, ut ad exhortationem mutuam faciendam fratribus et amicis libere valeant convenire. Unde nobis humiliter supplicarunt, ut pratum praedictum eisdem faceremus concedi ad proponendum in schola praefata more solito verbum Dei. The Pope writes on this head to the Archbishop, that the granting of this request, certainly ought not to be made a condition of reconciliation, but that he might afterwards grant it, sine gravi scandalo aliorum. But thereupon Lib. xii. ep. 69. ad Durandum de Osca et fratres ejus: Gravem contra vos venerabilium fratrum nostrorum, Narbonensis Archiep. et Biterrensis, Uticensis, Nemausensis et Carcassonensis Episcoporum querelam recepimus, quod vos plus debito de gratiae nostrae favore jactantes, adversus ipsos nimium insolescitis, adeo ut in eorum aspectu quosdam Valdenses haereticos nondum reconciliatos ecclesiasticae unitati duxeritis ad Ecclesiam, ut vobiscum consecrationi dominici corporis interessent, participant in omnibus cum eisdem. Quosdam quoque monachos, qui a suis monasteriis exierunt, et alios quosdam sui propositi desertores in vestro vos asserunt consortio retinere. Habitum etiam pristinae superstitionis, scandalum

apud Catholicos generantem, in nullo vos penitus immutasse testantur. Occasione praeterea doctrinalis sermonis, quem in schola vestra proponitis fratribus et amicis, ab Ecclesia multi recedunt, non curantes in ea divinum officium aut sacerdotalem praedicationem audire. Sed et Clerici, qui sunt de vestro consorcio in sacris Ordinibus constituti, divinum officium secundum institutiones canonicas non frequentant. Adhuc insuper aliqui vestrum affirmant, quod nulla saecularis potestas sine mortali peccato potest iudicium sanguinis exercere. The Pope warns them very solemnly to put away these abuses—still he answers these Bishops Ep. 67. *ad Narbon. Archiep. et Suffraganeos ejus*: Si, quemadmodum nobis—intinastis, Durandus de Osea cum complicibus suis infideliter agit, vel ad fallendum Romanam Ecclesiam, vel ad eludendum canonicam disciplinam: illud sibi profecto continget, quod de talibus Scriptura testatur: *In insidiis suis capientur iniqui*, cum astutias Satanae non penitus ignoremus. Si vero de pristina superstitione quicquam retineat ad cautelam, ut facilius capere possit vulpeculas, quae moliuntur vineam Domini demoliri, tolerandus est prudenter ad tempus, donec arbor e fructibus cognoscatur, dummodo circa substantiam veritatis de corde puro et conscientia bona et fide non ficta procedat, quandoquidem Paulus Apostolus dicat: *Cum essem astutus dolo vos cepi*.—Quod si etiam a prisca consuetudine non subito recedat ex toto, aliquid sibi de illa reservans, ut verecundiae forte parcendo quasi veterem legem sepeliat cum honore: nec sic est penitus confutandus, dummodo, sicut praediximus non aberret in substantia veritatis etc. Afterwards also Innocent took the side of this brotherhood once more. He charged the Archbishops of Narbonne Tarragona and Milan, as well as their suffragans (lib. xiii. ep. 63). quatenus ipsos—caritative tractantes, non permittatis, eos aut illos, qui suum ipsis intuitu caritatis impenderint beneficium,—a quoquam temere molestari: He forbade ep. 77. *ad Durandum et fratres*, ut nullus vobis qualibet violentia vel surreptionis astutia in Praepositum praeferatur, nisi quem vos cum consilio dioecessani Episcopi—duxeritis eligendum: and rebuked the above named Bishops ep. 78. for lingering over the reconciliation of those, qui sub praescripta forma reconciliari Ecclesiae proposcerunt. Similar protection he afforded to these Pauperibus Catholicis lib. xv. ep. 82. 90—96.—To a second society of Waldenses under Bernardus Primus, who were received back upon the same confession of Faith, lib. xiii. ep. 94, the same Propositum conversationis was allowed lib. xv. ep. 137, but with this alteration: Religiosum et modestum habitum ferre decrevimus, qualem ex voto consuevimus deportare, utendo de caetero calciamentis communibus, ad consilium et mandatum summi Pontificis, pro tollendo scandalo, quod contra nos movebatur de calciamentis desuper apertis, quibus uti haecenus solebamus. Innocent recommended this society also to the Bishop of Cremona, lib. xv. ep. 146. On this compare also Chron. Ursperg. ad ann. 1212 see above § 68. note 2. It is sufficiently plain from this, that Innocent III. would have treated Peter Waldus in a different manner from that adopted by Lucius III: Perhaps the reason may here be found, why S. Francis also did not become a heretic. This society however soon came to an end: Hist. gén. de Languedoc iii. 148.

them more and more in their antihierarchical system,²⁸ and to place their doctrine and ecclesiastical constitution on a more

²⁸ Concerning their doctrine in the 13th century, see Rainerii Summa in Martene thes. v. 1775: Dividitur haeresis in duas partes. Prima pars vocatur *Pauperes Ultramontani* secunda vero *Pauperes Lombardi*, et isti descenderunt ab illis. Primi, scilicet *Pauperes Ultramontani*, dicunt, quod omne juramentum est prohibitum in novo Testamento tamquam mortale peccatum. Et illud idem dicunt de justitia saeculari, scilicet quod non licet Regibus, Principibus et Potestatibus punire malefactores. Item quod simplex laicus potest consecrare corpus Domini, credo etiam, quod idem dicant de mulieribus, quia haec nonnisi (probably hae non mihi) negaverunt. Item quod Ecclesia Romana non est Ecclesia Jesu Christi. *Pauperes Lombardi* concordant cum primis in juramento et justitia saeculari. De corpore vero Domini sentiunt etiam pejor quam primi, dicentes, quod concessum est cuilibet homini sine peccato mortali consecrare illud. Item dicunt, quod Ecclesia Romana est Ecclesia malignantium, et bestia et meretrix, quae leguntur in Apocalypsi (Apoc. xiii. 17): et ideo dicunt, nullum esse peccatum, in quadragesima et sextis feriis contra praeceptum Ecclesiae comedere carnes, dummodo fiat sine scandalo aliorum. Item quod Ecclesia Christi permansit in Episcopis et aliis Prae-latis usque ad b. Sylvestrum, et in eo defecit, quousque ipsi eam restaurarunt: tamen dicunt, quod semper fuerunt aliqui, qui Deum timebant et salvabantur. Item dicunt, quod infantes salvantur sine baptismo. The German reviser of Rainer's Summa, gives a much more lengthened representation of the Waldensian opinions, but it is full of tautologies. What follows may serve as a completion of what is given above: Pseudo-Rainerius c. 3. in the Bibl. PP. Lugd. xxv. 264 ss.): Dicunt, quod Romana Ecclesia—defecerit sub Sylvestro, quando venenum temporalium infusum est in Ecclesiam. Et dicunt, quod ipsi sunt Ecclesia Christi, quia Christi doctrinam, Evangelii et Apostolorum. verbis et exemplis observent;—quod ipsi sint vere pauperes spiritu. et persecutionem patiuntur propter justitiam et fidem;—quod nemo major sit altero in Ecclesia;—quod decimae non sint dandae; quod Clerici possessiones non debeant habere because of Deut. xviii. 1.—Item omnem Clerum damnant propter otium, dicentes eos manibus debere operari, sicut Apostoli fecerunt.—Item quod nullus sit cogendus ad fidem.—Item dicunt, quod observantiae, per homines religiosos factae, sint traditiones Pharisaeorum;—quod ablutio, quae datur infantibus, nihil prosit.—Item omnes exorcismos et benedictiones baptismi reprobant. Item sacramentum Confirmationis reprobant. Mirantur etiam, quare solis Episcopis liceat confirmare. Item de sacramento Eucharistiae dicunt, quod sacerdotes in mortali non possint conficere. Item dicunt, quod transsubstantiatio non fiat in manu indigne conficientis, sed in ore digne sumentis, et quod confici possit in mensa communi (according to Mal. i. 11.) Item quod semel in anno fideles communicant, hoc reprobant, quia ipsi quotidie communicant. Item dicunt, quod transsubstantiatio fiat per verba vulgaria. Item dicunt, quod

Missa nihil sit, quia Apostoli eam non habebant, et fiat propter quaestum. Item Canonem Missae non recipiunt, nisi tantum verba Christi vulgariter.—De sacramento poenitentiae dicunt, quod nullus possit absolvi a malo sacerdote; item quod bonus laicus potestatem habeat absolvendi (they taught for instance according to the expression of a Waldensian woman, in the year 1321, in the Liber sententiarum p. 290, which is to be found at the end of Limborch. hist. inquis, quod solus Deus absolvit de peccatis, et ille, cui fit confessio peccatorum, solummodo dat consilium, quod debeat homo facere, et iungit poenitentiam, et hoc potest facere homo sapiens et discretus, sive sit sacerdos, sive non.)—Item sacramentum conjugii damnant, dicentes, mortaliter peccare conjuges, si absque spe prolis convenient.—Item gradus affinitatis et consanguinitatis carnalis et spiritualis, quos Ecclesia instituit, et impedimenta Ordinis, et publica honestatis, et Ecclesiae vetitum spernunt.—Item quod Ecclesia erraverit dicunt, matrimonium clericis prohibendo, cum etiam Orientales contrahant.—Sacramentum unctionis etiam reprobant, quia tantum divitibus datur, et propter plures sacerdotes ibi necessarios. Item Sacramentum Ordinis dicunt nihil esse. Item dicunt, quod omnis laicus bonus sit sacerdos, sicut Apostoli laici erant.—Item quod latina oratio laicis non prosit.—Item quidquid praedicatur, quod per textum biblicae non probatur, pro fabulis habent. Item dicunt, quod sacra Scriptura eundem effectum habeat in vulgari, quem in latino. Unde etiam faciunt in vulgari, et dant Sacramenta. Item Testamenti novi textum, et magnam partem veteris vulgariter sciunt corde. Item Decretales, et Decreta, et dicta, et expositiones Sanctorum respiciunt, et tantum inhaerent textui.—Nullum Sanctum invocant, nisi Deum solum. Item canonizationes, translationes, et vigiliis Sanctorum contemnunt.—Item letaniam numquam legunt, legendas Sanctorum non credunt; item miracula Sanctorum subsannant; item reliquias Sanctorum contemnunt. Item sanctam crucem reputant ut simplex lignum. Item signum sanctae crucis horrent propter supplicium Christi, nec unquam signant se. Item dicunt, quod doctrina Christi et Apostolorum sine statutis Ecclesiae sufficiat ad salutem; quod traditio Ecclesiae sit traditio Pharisaeorum.—Item mysticum sensum in divinis Scripturis refutant praecipue in dictis et actis ab Ecclesia traditis: ut quod gallus super campanile (Belfry) significat Doctorem.—Omnes consuetudines Ecclesiae approbatas, quas in Evangelio non legunt, contemnunt, sicut festum luminum, palmarum, reconciliationem poenitentium, adorationem crucis in Parasceue, festum Paschae, Christi et Sanctorum festa spernunt propter multiplicationem festorum, et dicunt, quod unus dies sit sicut alius.—Derident Ecclesiam muratam, reputant ut horreum, et appellant eam vulgariter Stonehouse.—Item ornatum Ecclesiae dicunt esse peccatum, et quod melius esset vestire pauperes, quam ornare parietes. Item de altari dicunt, quod damnum sit, pannum putrescere super lapide.—Item faciunt in *picario* (Goblet) pro calice.—Item dicunt, quod exequiae mortuorum, Missae defunctorum—non prosint animabus.—Negant Purgatorium, dicentes, tantum duas vias esse, scilicet unam electorum ad caelum, aliam damnatorum ad infernum. Eccl. xi. 3: *Lignum quocumque ceciderit, ibi erit.* Si enim est bonus, non indiget suffragio: si est

independent footing.²⁹ The more plainly their departure from Church teaching could vindicate itself as a purification of the Church, the more easy acceptation they found, with the thoughtful of their time. So early as in the 13th century they showed

malus, nihil prodest. Item dicunt, quod omne peccatum sit mortale, et nullum veniale. A catalogue of Waldensian doctrines from a manuscript at Vienna in J. Krone's *Fra Dolcino and the Patarenians* S. 201.—Yvonetus in Martene thes. v., 1779 in his description of the Waldenses, attributes to them also many Catharic doctrines and customs; but the distinction between the Cathari and the Waldenses seems to me so manifest, that I can give no credit to this witness, standing as he does quite alone; neither can I adopt the distinction made by Fuessli i., 460 with reference to this, between the pure and mixt Waldenses. This however is worthy of more attention, when Stephanus de Borbone (in d'Argentré i., 87) attributes to his Waldenses, beside their antient doctrines, the opinions of the sect of the free spirit also, and indeed with a direct appeal to their own words, see below note 33.

²⁹ In the old documents of the Waldenses their teachers are called Barbas, (lo Barba means the uncle Leger i., 205). These Barbas who like Peter Valdensis and his first disciples went about teaching, might have been outwardly much like the Perfecti of the Cathari, and so Yvonetus represents them in Martene thes. v., 1781: Duo sunt genera sectae ipsorum. Quidam dicuntur perfecti, et hi proprie vocantur *Povres Valdenses de Lyon*, nec omnes ad hanc formam assument, sed prius diu informantur, ut et alios sciant docere. Hi nihil proprium dicunt se habere, nec domos, nec possessiones, nec certas mansiones. Conjuges si quas ante habuerunt, relinquunt. Hi dicunt se Apostolorum successores, et sunt magistri eorum, et confessores, et circumeunt per terras visitando et confirmando discipulos in errore. His ministrant discipuli necessaria.—Vadunt etiam in diversis habitibus vestium isti curatores ne agnoscantur: et cum transeunt quandoque de domo in domum, aliquod onus deferunt in capite paleae, vel vasis.—Solent etiam tales mansiones habere in locis, ubi habent studia sua, vel celebrant conventicula, quae circumquaque aliis sunt inaccessibiles, ne prodantur, ut in foveis subterraneis vel aliter sequestratis. Noctibus autem maxime hujusmodi conventicula frequentant etc. The Catholic Hierarchy, and its pretension to a mediatorial character ordained by God, they rejected. To this the Pseudo-Rainerius c. 5 plainly alludes: nomina Praelatorum reprobant, sicut Papa, Episcopi etc. Still they were obliged to allow Bishops, Priests and Deacons, if they wisht to imitate the Apostolic communities, and so, in the above mentioned place, but farther on, we find: Item peregrinantur, et ita Lombardiam intrantes visitant Episcopos suos. In the year 1321 a Waldenser declared (Lib. sentent. at the end of Limboreh p. 290), quod in Ecclesia non sunt nisi tres Ordines, episcopalis, sacerdotalis et diaconalis. In the same place p. 289. 290. 291. there occurs more than once the title

themselves in the valleys of Piedmont,³⁰ in which they have maintained themselves until now. Still not only did they spread in other countries, as for instance as far as Germany,³¹ but also put in circulation among numbers, who did not come over to

Majoralis, which they probably used instead of Episcopus. Moneta lib. v. c. 1. § 4. p. 402: *Ordinem ecclesiasticum ipsi ad minus triplicem confitentur, scil. Episcopatum, Presbyteratum et Diaconatum. sine quo triplici Ecclesia Ordine Dei non potest esse, nec debet, ut ipsi testantur. Dicamus ergo eis: si Ecclesia Dei non est sine istis Ordinibus, vestra autem generatio sine eis est; ergo non est de Ecclesia Dei. Si autem dicant: nostra generatio illos Ordines habet; quaero a quo habuit? quis enim est Episcopus vester? Si dicant: talis homo; dicite: quis ordinavit eum? Si dicunt: quidam; quaero etiam: quis istum alium ordinavit? Et sic ascendendo compellentur usque ad Valdesium venire. Postea quaerendum est: unde iste Ordines habuit? Still the answers of the Waldenses were put in and refuted: quidam dixerunt, quod Valdesius Ordinem habuit ab universitate fratrum suorum. Eorum autem, qui hoc dixerunt, principalis auctor fuit quidam haeresiarcha pauperum Lombardorum, Doctor perversus, Thomas nomine: hoc autem probare taliter nisus est: Quilibet de illa congregatione potuit dare Valdesio jus suum, scil. regere seipsum, et sic tota congregatio illa potuit conferre, et contulit Valdesio regimen omnium, et sic creaverunt illum omnium Pontificem et Praelatum. A more common answer may be seen p. 404: Dicunt autem haeretici, quod sicut Moyses in V. T. a nullo homine ordinatus fuit sacerdos, et tamen fuit sacerdos.—et aliis sacerdotium contulit,—similiter autem et Paulus fuit Sacerdos et Episcopus, sicut et alii Apostoli omnes,—et tamen a nullo homine ordinatus;—ita etiam et Valdesius et Ordinem habuit, et aliis conferre potuit. Hence it is plainly evident that the Waldenses of the 13th century, neither thought of referring their origin farther back than Valdesius, nor of tracing their Episcopate to an Apostolical succession. At the same time we may ascertain the exact value, of the claims of the Bishops of the Bohemian brothers and the Herrnhuters for Apostolical succession, for they derive them from the old Waldensian Bishops.*

³⁰ Jul. Krone (Frà Dolcino u. die Patarener, Leipzig 1844, S. 22 Anm.) communicates the following extracts from the original deeds in the Archives of Turin: 1297. Philippus (d'Acaja) libravit inquisitori Vaudensium pro medietate expensarum per eundem inquirendo Valdenses in valle Peruxiae (*Perosa*). Otto (IV) Rom. Imp. Episcopo etc. mandamus, quatinus haereticos Valdeses, qui in Taurin. diocesi zizagiam seminant, imperiali auctoritate expellas.

³¹ Conrad of Marburg persecuted also the Waldenses, see § 89. note 35. Afterwards they were to be found in the region of Ratisbon, see the document of the year 1265, in Thom. Ried codex chronologico-diplomaticus Episcopatus Ratisbonensis (Ratisb. 1816. 4.) i., 481: Chunradus viceplebanus in Nittaw, per quem inventi sunt et comprehensi haeretici sectae Pauperum de Lugduno.

their society, ideas unfavourable to the prevailing Faith of the Church.³²

Besides the old sects new ones were engendered in the 13th century. The pantheistic system introduced by Amalric of Bena (§. 74. note 10. 11), after the persecution it underwent in Paris in the year 1210, only spread more widely than before. In the course of the 13th century its disciples might be found in different places :³³ at the end of this century they were already

³² Pseudo-Rainerius c. 4. (Bibl. PP. Lugd. xxv., 264) : *sectae haereticorum fuerunt plures quam lxx., quae omnes per Dei gratiam deletae sunt praeter sectas Manichaeorum, Arianorum, Runcariorum et Leonistarum, quae Alemanniam infecerunt. Inter omnes has sectas, quae adhuc sunt, vel fuerunt, non est perniciosior Ecclesiae, quam Leonistarum. Et hoc tribus de causis. Prima est, quia est diuturnior; aliqui enim dicunt, quod duraverit a tempore Sylvestri; aliqui, a tempore Apostolorum. Secunda, quia est generalior: fere enim nulla est terra, in qua haec secta non sit. Tertia, quia, cum omnes aliae sectae immanitate blasphemiarum in Deum audientibus horrorem inducant, haec, scil. Leonistarum, magnam habet speciem pietatis, eo quod coram hominibus juste vivant, bene omnia de Deo credant, et omnes articulos, qui in Symbolo continentur: solummodo Romanam Ecclesiam blasphemant et Clerum, cui multitudo laicorum facilis est ad credendum. Their way of approaching Catholic laymen, and winning them over to themselves is portrayed in Pseudo-Rainerius c. 8, and Yvonetus in Martene thes. v. 1782.*

³³ This is in my opinion the true origin of the sect of the free Spirit, which Mosheim (Institut. hist. eccl. p. 555. not. t), according to some vague conjecture allows to have risen in Italy. My opinion is grounded on these reasons: that Amalric's doctrine quite agrees with the tenets of this party. That before Amalric these opinions were never brought forward as the tenets of a sect, but after him often: that soon after his death adherents to his doctrine were to be found in several dioceses (Caesar. Heisterbac. lib. v. cap. 22 says of its emissaries: *circuei-runt Episcopatum Parisiensem, Lingonensem, Trecensem, et Archiepiscopatum Senonensem in tribus mensibus, et quam plurimos de eorum secta invenerunt*); and that the wide spread of the doctrine may be easily accounted for by the persecution in Paris (see above §. 74. note 10). The sect made its appearance first under the name of *Ortlibenser* in Strasburg, in the year 1212. For the German Pseudo-Rainerius c. 6. (Bibl. PP. xxv. 266) describes a sect under the name *Ortlibenses* or *Ortlibarii* (this the true reading according to Cod. Lamb. see l. c. p. 311. instead of *Ordlibarii*) which evidently agrees with the doctrine of Amalric, and the sect of the free Spirit. Now we find in a paragraph appended to this Pseudo-Rainerius (l. c. p. 277): *Dicere hominem debere ab exterioribus abstinere, et sequi responsa spiritus intra se, haeresis est ejusdem Ortleni* (so should we read with Cod. Lamb. instead of *Orcleni*), qui fuit de Argentina, quem Innocentius III. condemnavit. Here, as we recognise a characteristic doctrine of that system, so we may ven-

ture to place these Ortliebenses in close connection with this heresiarch, and to read its name *Ortleni* in that passage, the rather that the name Ortlieb or Ortleb often occurs (see for instance Schoepfli's *Alsatia diplom.* in the Index; at Nuremberg, in the 13th century, there was a family of the name of Ortlieb, see Riederer's *Nachrichten zur Kirchen-Gelehrten- u. Büchergeschichte* iii. 4), but not one single name Ortlein or Ortlin. The *Annales Argentinenses* ad h. a. in Böhmer's *Fontes rerum German.* ii. 104 (a castigated edition of an uncertain author before Albertus Argentin, in Urstisius ii. 74), and many subsequent chroniclers, see Schmidt in Illgen's *Zeitschr. für d. hist. Theol.* 1840. iii. 34. record also the burning of several heretics at Strasburg in the year 1215. According to this view the Ortliebenses are a number of disciples of Amalrick at Strasburg, called after their local chief Ortlieb, who was probably the first to introduce the new doctrine there and had won adherents to it.—2. With this agree the notice of Hartmannus in *annalibus Eremitarum* ad ann. 1216 (in Fuessli ii. 6): *Sub idem tempus in Alsatia et etiam in Turgovia haeresis nova et pudenda emersit adserentium carni et aliorum ciborum esum quocunque die et tempore, tum vero omnis veneris usum nullo piaculo contracto licitum et secundum naturam esse.* This last tenet is characteristic of the sect of the free Spirit: this sect had also spread itself from Strasburg into the rest of Alsace and the Thurgau.—Further still, 3, the sect showed itself about 1250 in Cologne, according to J. Nideri († 1438) *formicarius* lib. iii. c. 5, who refers on this head to Albertus Magnus as a contemporary, see Mosheim de Beghardis et Beguinibus p. 198;—4) about 1260 it appeared among the Beghards in Suabia, see Martini Crusii († 1607) *annales Suevici* T. III. lib. ii. c. 14. ad ann. 1261, who appeals to Felix Baber, a writer of the 15th cent., see Mosheim l. c. p. 199.—5) It is especially worthy of notice, that, in the year 1230, they appear to have crept in among the Waldenses in Lyons. Stephanus de Borbone in d'Argentré i., 87, brings forward a medley of the doctrines of the Waldenses, and the sect of the free Spirit, as the system of the Waldenses: likewise the Appendix of the *Codex Cadomensis* to Rainerii Summa (in d'Argentré i. 56), which, however, is probably derived from Stephanus. Doctrines, evidently those of the sect of the Free Spirit, are to be found in Stephanus: *animam primi hominis esse divinae substantiae portionem.*—*Concedunt fere omnes, quod anima ejuslibet boni hominis sit ipse Spiritus sanctus, qui est Deus:—quo peccante egreditur, et subintrat Diabolus.*—*Item spiritus hominis, ex quo bonus est, si moritur, est idem quod spiritus Dei, et ipse Deus.*—*Dicunt plurimi eorum, sicut audiivi per confessionem multorum magnorum inter eos, quod quilibet bonus homo sit Dei filius, sicut Christus eodem modo.*—*Et cum dicunt, se credere incarnationem, nativitatem, passionem, resurrectionem Christi, dicunt, quod illam credunt veram conceptionem, Christi, nativitatem, passionem, et resurrectionem, et ascensionem, cum bonus homo concipitur, nascitur, resurgit per poenitentiam, vel ascendit in caelum; cum martyrium patitur, illa est vera passio Christi.*—*Item haec est Trinitas, quam, vel in qua credunt, ut sit Pater, qui alium in bonum convertit, qui convertitur, Filius; id per quod convertit, et in quo convertitur, Spiritus sanctus, et hoc*

so numerous among the Beghards³⁴ on the Rhine, that the people understood them only to be meant by the name of Beghards, although they called themselves brothers and sisters of the free spirit.³⁵ In the beginning of the 14th century they made their appearance also in Italy.³⁶

intelligunt, quando dicunt, se credere in Patrem, Filium, et Spiritum sanctum etc. When Stephen expressly refers to the acknowledgment of certain Heads, his statements are not easy to refute. There is also ground for believing that the general corruption of the whole Catholic Church-System, and the general persecution they had to undergo, first drew both parties outwardly together; that then the doctrines of the Free Spirit found acceptance among the Waldenses at first as mystical expressions for the union of the soul with God and Christ: and that at last the advance from this mysticism to Pantheism (as may be shown by the example of other mystics) was facilitated by the need of a speculative development of the Waldensian system. The practical principles of immorality, which prevailed in the sect of the Free Spirit, were not laid by Stephen to the charge of the Waldenses. A similar confusion of the Waldensian maxims with those of the Free Spirit, and equally immoral, is attributed in Trithem. annal. Hirsau. i. 543 to the Strasburg heretics of the year 1230 (see Schmidt in Illgen's Zeitschr. 1840. iii. 54): His authority certainly is too modern, however there are some Waldensian maxims to be found in the collection of the doctrines of the sect of the Free Spirit (see note 35) made by John, Bishop of Strasburg in 1317. In conclusion, the Libertines in Calvin's time, the remnant of the party of the Free Spirit, claimed descent from the Waldenses (Calvini instructio adv. Libertinos c. 23 in fine): so it seems as if they had always stood in some relation to the Waldenses.

³⁴ See above § 71, note 11.

³⁵ On these see Statuta Henrici i. Archiep. Coloniensis contra Beghardos ann. 1306 (in Mosheim de Beghardis et Beguinabas comm. p. 210); Clementis V. bulla contra Beghardos in Alemannia ann. 1311 (Clement. lib. v. tit. 3. c. 3. in Mosheim l. c. p. 618); Joannis Episc. Argentinensis epist. circularis ann. 1317 (in Mosheim l. c. p. 255.). In this last the errors of those, quos vulgus *Beghardos* et *Schwestronen*, *Brod durch Gott* (they begged their bread for God's sake, not as was the custom elsewhere for St Nicholas', St Peter's, or at most our dear Lady's sake, see Specklin in Schmidt in Illgen's Zeitschr. 1840. iii. 36) nominant, ipsi vero et ipsae se *de secta liberi spiritus*, et *voluntariae paupertatis parvos fratres vel sorores* vocant, are given to the following effect: *Primus est contra divinitatem*. Dicunt enim, credunt et tenent quod Deus sit formaliter omne quod est. Item dicunt, quod homo possit sic uniri Deo, quod ipsius sit idem posse ac velle et operari quodcumque, quod est ipsius Dei. Item credunt, se esse Deum per naturam sine distinctione. Item quod sint in eis omnes perfectiones divinae, ita quod dicunt, se esse aeternos et in aeternitate. Item

Other sects pass quickly in review before us. As the universal discontent at the advancing tyranny of the Hierarchy, aroused

dicunt, se omnia creasse, et plus creasse, quam Deus. Item, quod nullo indigent nec Deo, nec Deitate. Item, quod sunt impeccabiles, unde quemcunque actum peccati faciunt sine peccato. Item, quod sunt ipsum regnum caelorum. Item, quod sunt etiam immutabiles in nona rupe, quod de nullo gaudent, et de nullo turbantur, unde se ipsos nollent a quacunque morte solo verbo, si possent, liberare. *Secundo contra Christum.* Dicunt se credere, quod quilibet homo perfectus sit Christus per naturam. Item, quod Christus non est passus pro nobis, sed pro se ipso. Item, quod Christi humanitas a Christo deponitur et assumitur, sicut corpus a diabolo. Item non exhibent reverentiam corpori Christi, avertendo se ab hostia consecrata, et blasphemando dicunt, quod sapiat eis, sicut stercus in ore. Item dicunt, se credere, quod aliquis homo possit transcendere meritum Christi. Item, quod nihil debeat fieri propter praemium quodcunque, etiam propter regnum caelorum. Item, quod homo perfectionis debet esse liber ab omni virtute, ab omni actione virtutis, a Christo, ab ejus passione cogitanda, et a Deo. *Tertio contra Ecclesiam,* multipliciter errando. Dicunt enim, se credere, Ecclesiam catholicam, sive Christianitatem fatuam esse, vel fatuitatem. Item, quod homo perfectus sit liber in totum, quod tenetur ad servandum praecepta data Ecclesiae a Deo, sicut est praeceptum de honoratione parentum in necessitate. Item, quod in ratione hujus libertatis homo non tenetur ad servandum praecepta Praelatorum, et statutorum Ecclesiae: et hominem fortem, etsi non religiosum, non obligari ad labores manuales pro necessitatibus suis, sed eum libere posse recipere eleemosynam pauperum. Item dicunt, se credere, omnia esse communia, unde dicunt, furtum eis licitum esse. *Quarto contra sacramenta Ecclesiae* errando, dicunt se credere, quod quilibet laicus bonus potest conficere corpus Christi, sicut sacerdos peccator (this is a Waldensian tenet, see above note 28.) Item, quod sacerdos, postquam exiit se sacris vestibus, est sicut saccus evacuatus frumento. Item, quod corpus Christi aequaliter est in quolibet pane, sicut in pane sacramentali. Item, quod confiteri sacerdoti non est necessarium ad salutem. Item, quod corpus Christi, vel sacramentum Eucharistiae sumere per laicum tantum valet pro liberatione animae defuncti, sicut celebratio Missae a sacerdote. Item quod omnis concubitus matrimonialis praeter illum, in quo speratur bonum proles, sit peccatum (this again is Waldensian). *Quinto errando contra infernum et regnum caelorum,* dicunt se credere, quod judicium extremum non sit futurum, sed quod tunc est judicium hominis solum, cum moritur. Item, quod non est infernus, nec purgatorium. Item, quod, mortuo corpore hominis, solus spiritus vel anima hominis redibit ad eum, unde exivit, et cum eo sic reunitur, quod nihil remanebit, nisi quod ab aeterno fuit Deus. Item, quod nullus damnabitur nec Judaeus, nec Saracenus, quia, mortuo corpore, spiritus redibit ad Dominum. Item, quod homo magis tenetur sequi instinctum interiorum, quam veritatem Evangelii, quod quotidie praedicatur. *Sexto errando contra Evangelia* dicunt, se credere, multa ibi esse poetica, quae non sunt vere, sicut est

isolated resistances in England³⁷ and in France,³⁸ so the ill usage illud: *Venite, benedicti* caet. Item, quod magis homines debent credere humanis conceptibus, qui procedunt ex corde, quam doctrinae evangelicae. Item dicunt, aliquos ex eis posse meliores libros reparare omnibus libris catholicae fidei, si fuerint destructi. Item, quod pro illis, qui sunt in purgatorio, non sit orandum. *Septimo et ultimo contra sanctos viros* errando dicunt, se credere, quod perfecti homines communiter transcendere possint, et perfectiores sunt gloriosa Virgine, et quosdam eam transcendisse in tribus virtutibus. Item, quod communiter aliqui inter eos perfectiores sunt s. Paulo. Item, quod quidam ex eis adeo sunt perfecti, ut non possint deficere, nec proficere in sanctitate. Item, quod perfectus homo non indigeat in hac vita virtutibus theologis, sicut fide, spe, et caritate.

³⁶ Clemens V. epist. ad Episc. Cremonensem in Raynaldus ad ann. 1311. no. 66. writes in nonnullis Italiae partibus, tam Spoletanae provinciae, quam etiam aliarum circumjacentium regionum, nonnullos ecclesiasticos et mundanos, religiosos et saeculares utriusque sexus—versari, qui—novum ritum—introducere moliantur, quem libertatis spiritum nominant, h. e. ut quicquid eis libet liceat.

³⁷ Matth. Paris ad ann. 1240. p. 533: Diebus illis quidam quasi honestae vitae ac severae vir, habitum et gestum praetendens Ordinis Carthusiensis, captus est apud Cantabrigiam, nolens intrare Ecclesiam aliquam. He was handed over to the Papal Legate in London. Palam enim asseruit, dicens: *Gregorius non est Papa, non est caput Ecclesiae: sed aliud est caput Ecclesiae. Ecclesia profanata est, nec debent in ea divina celebrari, nisi rededicata fuerit. Vasa et vestimenta ejus reconsecranda sunt. Diabolus solutus est: Papa haereticus. Polluit Ecclesiam, imo mundum, Gregorius, qui Papa dicitur.* When the Legate reminded him of the Pope's privilege, ut vices b. Petri exequatur in terris; he answered, *Quomodo possem credere, quod cuidam Symoniali et usurario, et forte majoribus facinoribus involuto, concedatur talis potestas, qualis concessa fuit b. Petro, qui immediate factus est Apostolus, sequutus est Dominum, non tantum incessu pedum, sed virtutum claritate?* Ad quod verbum erubuit Legatus, et ait quidam de circumsedentibus:

Stulto rixandum non est, furno nec hiandum.

³⁸ Comp. above § 63. note 28. § 86. note 8. Beside the rising of the Pastorelli, see Vita Innocentii P. iv. ex ms. Bernardi Guidonis (in Muratorii scriptt. rer. Ital. iii. i. 591): Eodem tempore quo Rex Lud. — captus et detentus fuit sub anno MCCLI. quibusdam Trutannis (wandering beggars, see Mosheim de Beghardis p. 35) machinantibus facta est subito cruce signatio Pastorellorum, et puerorum multorum ac puellarum in regno Franciae, quorum aliqui pestiferi inventores istius fraudis fingeant aliquos ex eis pueris, se visionem Angelorum vidisse, miracula facere, et ad uleiscendum Regem a Deo missos esse. Inter quos errant, qui se magistros vocabant, quibus cacteri obediabant, qui per vias, et villas, et civitates more Episcoporum signabant, aquam etiam benedictam Gregorianam in ipsa civitate Parisiensi fecerunt, matrimonia conjunxerunt, Religiosos et

of the Hohenstaufen family, gave rise to a sect in Halle in Suabia (about 1248),³⁹ which declared the Hierarchy to be abolished, in consequence of its moral corruption of the entire purpose of the Church. After the extermination of the Hohenstaufen family,

Clericos ubicumque poterant gravabant, alios spoliantes, alios verberantes, alios occidentes; nec erat qui compesceret malignantes, aut resisteret in virtute. Universus autem populus eis favebat, aliqui quia haec fieri, et ad bonum finem perventura spectabant (*l. sperabant*), plerumque autem et paene universi, quia de persecutione clericorum gaudebant. Sed postquam coepit detegi fraus interiorum (the inward, unseen circumstances) infra breve tempus sicut fumus evanuerunt. More in detail Matth. Paris ann. 1251. p. 822 ss.

³⁹ Albertus Stadensis ad h. a. Anno Dom. 1248 coeperunt in Ecclesia Dei mirabiles et miserabiles haeretici pullulare, qui pulsatis campanis, et convocatis Baronibus et Dominis terrae in Hallis Suevorum sic praedicarunt in publica statione. Primo quod Papa esset haereticus, omnes Episcopi et Praelati simoniaci et haeretici, inferiores quoque Prelati cum Sacerdotibus, quia in vitiis ac peccatis mortalibus non haberent auctoritatem ligandi ac solvendi, et omnes isti seducerent et subduxissent homines. Item quod Sacerdotes in peccatis mortalibus constituti non possint conficere. Item quod nullus vivens, nec Papa, nec Episcopi, nec aliqui possint interdicere divina, et qui prohiberent, essent haeretici et seductores: et licentiaverunt in civitatibus interdictis, ut Missas audirent super animas ipsorum et Sacramenta ecclesiastica libere perciperent, qui ipsis perceptis mundificarentur a peccatis. Item quod Praedicatores, et Fratres Minores perverterent Ecclesiam falsis praedicationibus, et quod omnes Praedicatores, et Fratres Minores, Cistercienses quoque, et omnes alii pravam vitam ducerent et injustam. Item quod nullus esset, qui veritatem diceret, et qui veram fidem opere servaret, nisi ipsi et eorum socii, et si ipsi non venissent antequam Deus in periculo demisisset suam Ecclesiam, prius ipsos de lapidibus suscitasset, vel alios, qui Ecclesiam Dei vera doctrina illuminassent. Praedicaverunt etiam: *Hucusque vestri praedicatores sepeliverunt veritatem, et praedicaverunt falsitatem; nos sepelimus falsitatem, et praedicamus veritatem.* Et porro: *indulgentiam, quam damus vobis, non damus fictam vel compositam ab Apostolico vel Episcopis, sed de solo Deo et Ordine nostro.* Et sic: *non audemus habere memoriam Papae, quia ita perversae vitae est, et tam mali exempli homo, quod eum tacere oportet.* Et blasphemando adjecit idem praedicator: *Orate, inquit, pro domino Friderico Imperatore, et Conrado, filio ejus, qui perfecti et justi sunt.* Item dixit, quod Papa non haberet auctoritatem ligandi et absolvendi, quia non haberet vitam apostolicam, et hoc probare vellet per quandam glossulam. Istos haeticos fovit et defendit Conradus, filius Friderici, Imperatoris quondam, et patrem suum per talia venena credidit defensare. Sed res lapsa est in contrarium, quia catholicis praedicatoribus audacter resistentibus, et fideles exhortantibus, liberi et ministeriales a Conrado cesserunt, ita quod quasi exul et profugus de Suevia in Bavaria moraretur. Krantz Metrop. lib. viii. c. 18. and Saxon. lib.

the detestation caused by this deed of the Hierarchy, was maintained for centuries by the expectation, that one time an Emperor Frederick would wreak vengeance in blood on the Papacy.⁴⁰ This expectation also found place among the manifold superstitions, chiefly borrowed from the Fratricelli, with which the Apostolic-brothers⁴¹ from 1260 to 1307, disquieted the north of Italy.

viii. c. 16. quote only this passage. Fuessli ii. 14 considers these preachers to be Waldenses, not without probability.

⁴⁰ At first there was a hope in Germany that Frederick II. yet lived, and would appear again (Jo. Vitoduranus in Eccard corpus histor. medii aevi i. 1741): Hence arose from 20 to 30 pretended Fredericks. Compare the opinion of the people on one such impostor, who was burnt to death at Wetslar in the year 1283, in Greg. Hagen's österreich Chronik (Pezii scriptt. rer. Austr. T. i. p. 1105): Nu hub sich unter dem Volk ain groszer widertail. Etleich sprachen, er wer gewesen ain Nigromanticus; die andern sprachen, sie funden in dem Feuer nicht seines Gebaines, und chem her von Gotes chraft, daz Cheiser Friderich lebte, und solt die Pfaffen vertreiben. Then the prophecy, attributed to the Abbot of Joachim, spread more and more for centuries, that an Emperor Frederick III. should take this vengeance. In one of its simplest forms, even in the 13th century, it runs thus: Veniet aquila, de cujus volatu delebitur leo. Veniet pullus aquilae et nidificabit in domo leonis. De radice aquilae surget alius aquila cujus nomen Fridericus, qui regnans regnabit extendetque alas suas usque ad fines terrae. Cujus sub tempore summus Pontifex et Clerus dilapidabitur et dispergetur. On the duration of this prophecy see Mosheim's Versuch einer unpart. u. gründl. Ketzergeschichte. 2te Aufl. s. 342 ff. Sibylline-prophecies in German verse may be seen in Grimm's deutsche Mythologie 2te Ausg. II., 909. With this agree the popular legends, that the Emperor Frederick (generally Barbarossa, Frederick I. and II. are confounded in the legends) is sleeping in a mountain (Kifhäuser, Unterberg at Salzburg &c.) Grimm ii. 906.

⁴¹ The Principal sources: Historia Dulcini and Additamentum ad hist. Dulcini in Muratori scriptt. rer. Ital. ix. 425.—J. L. v. Mosheim's Gesch. des Apostelordens, in dess. Versuch einer unparteiischen und gründl. Ketzergeschichte. 2te Aufl. Helmst. 1748. 4. S. 193 ff. There are some additions on the after fate of the party in Ejusd. de Beghardis et Beguinabus comm. p. 221. Frä Dolcino und die Patarener von Jul. Krone, Leipsig 1844.—The founder, Gerhard Segarelli, began about 1260 in Parma, as Francis had done before him, but he with his apostles zealously denounced the secularized Hierarchy: Honorius IV. in 1286 prohibited the new order (the Bull may be seen in Bullar. Rom. i. 158. and in Mosheim's Gesch. d. Apostelord. s. 391): during the persecution which now began Gerhard suffered death by fire in 1300 at Parma, the spirited Dulcinus put himself at the head of the society, and their superstition was raised by

Apocalyptic prophecies to an indescribable Fanaticism. Extracts from his two prophetic Synodal-briefs from the year 1300 to 1303 may be found in the *Additamentum ad hist. F. Dulcini in Muratori scriptt. rer. Ital.* ix. 450. He announced in the first, that in the year 1303 a period should be inaugurated, in quo ipse et sui publice apparebunt, et publice praedicabunt, omnibus suis adversariis exterminatis.—He taught further, quatuor status Sanctorum fuisse in propriis modis vivendi which at first were good in their kind, but afterwards degenerated, and were displaced by a new state. In primo fuerunt Patres veteris Testamenti.—In the second Christ and the apostles. Tertius status coepit a s. Silvestro tempore Constantini Imp. in quo Gentiles coeperunt magis ac magis converti ad fidem Christi generaliter. Et dum sic convertebantur, et non refrigerabantur in amore Dei et proximi, melius fuit s. Silvestro Papae et aliis successoribus suis possessiones terrenas et divitias suscipere, quam paupertas apostolica; et melius fuit regere populum, quam non regere, ad tenendum ipsum sic et conservandum. Sed quando inceperunt populi refrigerari a caritate Dei et proximi, et declinare a modo vivendi s. Silvestri, tunc melior fuit modus vivendi b. Benedicti.—Et quando Clerici et Monachi quasi ex toto a caritate Dei et proximi refrigerati fuerunt, et declinaverunt a priori statu suo, tunc melior fuit modus vivendi s. Francisci et s. Domini:—et quia modo est tempus, in quo omnes tam Praelati, quam Clerici et Religiosi a caritate Dei et proximi et refrigerati sunt, et declinaverunt,—est reformare modum vivendi proprium apostolicum:—et istum modum vivendi apostolicum incoepit Fr. Gerardus, et durabit et perseverabit usque ad finem saeculi.—Et iste est quartus et ultimus status,—et differt a modo vivendi s. Francisci et s. Domini, quia vita illorum fuit, multas habere domus, et illuc mendicata deferre. Sed nos nec domus habemus, nec etiam mendicata portare debemus. Et propter hoc vita nostra est major, et ultima omnibus medicina. Afterwards he prophesied: Fredericus Rex Siciliae debet relevari in Imperatorem, et facere Reges novos, et Bonifacium Papam pugnando habere, et facere occidi cum aliis occidendis.—Tunc omnes Christiani erunt positi in pace, et tunc erit unus Papa sanctus a Deo missus mirabiliter et electus,—et sub illo Papa erunt illi, qui sunt de statu apostolico, et etiam alii de Clericis et Religiosis, qui unientur eis,—et tunc accipient Spiritus sancti gratiam, sicut acceperunt Apostoli in Ecclesia primitiva. When these prophecies were not fulfilled in the year 1303, he extended them in the second brief to the year 1304. The third Synodal brief is lost. The sources of these prophecies were undoubtedly the works of Joachim (see above § 70 note 8) see Mosheim s. 261. ff. The open warfare which the Apostolic-brothers after the year 1304 waged against the Roman Church, was brought to an end in 1308 by the conquest of Mount Zebello in the Bishopric of Vercelli.

EIGHTH CHAPTER.

EXTENSION OF CHRISTIANITY.

Schröckh's Kirchengesch. xxv. 186. Schmidt's Kirchengesch. fortg. v.
Rettberg vii. 166.

§ 91.

CONTINUED CONVERSION OF THE VANDALS.

As the Church of this age in general relied more upon secular than spiritual weapons; so she was accustomed for this reason to convert unbelieving nations with the sword, instead of the Word.

The efforts of the Polish Dukes, ever since the first subjugation of Lower Pomerania about the year 997, to establish Christianity together with their dominion in this country,¹ were brought to a successful issue by Boleslav III. Krzivousti by his victory over the rebellion in 1121.² In the same year Boleslav wrung from the West Pomeranians also, and their Duke Wartislav the pro-

¹ Martini Galli chron. (the most antient Polish work on history about 1130) ed. J. V. Bandtkie. Varsav. 1824. 8. Prooem. p. 15: Ad mare autem septemtrionale tres habet (Polonia, affines Barbarorum gentilium ferocissimas nationes, Seleuciam (i. e. *Luticiam* s. *Leutician*), Pomeraniam et Prussian, contra quas regiones Polonorum Dux assidue pugnat, ut eas ad fidem convertat. Sed nec gladio praedicationis cor eorum a perfidia potuit revocari, nec gladio jugulationis eorum penitus viperale progenies aboleri: saepe tamen Principes eorum a Duce Poloniae proelio superati ad baptismum confugerunt, itaque collectis viribus fidem christianam abnegantes, contra Christianos bellum denuo paraverunt. P. F. Kanning's Geschichte v. Pommern. Bd. 1. (Greifswald 1824) S. 290. F. W. Barthold Gesch. v. Rügen u. Pommern Thl. 2, Hamburg 1840. C. Giesebrecht's wendische Geschichten v. 780—1182. Th. 2. Berlin 1843.

² For Boleslav's wars against the Lower Pomeranians see Kanning's i. 363.

mise to recognize Polish supremacy, and become Christians.³ Otto Bishop of Bamberg, who was invited to undertake the conversion of the country, had under these circumstances an easy task.⁴ In a few months of the year 1124, the greater portion of West Pomerania was won over to Christianity, not so much inwardly, as outwardly by the influence of circumstances and by Otto's winning and reverend presence: in a second and still shorter visit, in the year 1128, Otto accomplished the conversion of the country. The newly founded Bishopric of Julin or Wolin⁵ was meant to ensure its continuance.

After that the great Vandal kingdom (see Part 1. § 39) upon the death of its last supreme ruler Knut († 1131) had fallen to pieces under the dominion of several Princes: The neighbouring Germans had an easier game to play against them. Albert the Bear, Margrave of the North Saxons, after the year 1133, vanquished the Lutizier or Wilzen, established the March of Brandenburg, restored the Bishoprics of Havelberg and Brandenburg,⁶ and drew the Knights of St John and the Templars into the country,⁷ for the protection and extension of Christianity.

Kanngiesser i. 508.

⁴ Libb. iii. de vita b. Ottonis by an anonymous writer shortly after his time, in Canisius-Basnage III. ii. 35. Andreae Abb. Bambergensis (1483—1502) de vita s. Ottonis libb. iv. editi, cum libris comitis ejusdam s. Ottonis, quem Sifridum esse putant, collati a Valer. Jäschke, Colberg. 1681. 4 (reprinted in Ludewig scriptt. rer. Episcoporum Bamberg. i. 193.) Much also is to be found on this head in the manuscripts of Bamberg, see Jäck's Bericht in Oken's Isis, August 1822. S. 827.—(J. J. Sell) Otto Bisch. v. Bamberg, der Pommern Bekehrer, Stettin 1792. H. F. G. Kahlow de introductione religionis christ. in Pomeraniam diss. Goetting. 1806. 4. A. C. F. Busch memoria Ottonis Ep. Bambergensis, Pomeranorum Apostoli. Jenae 1824. Especially Kanngiesser i. 522. Barthold ii. 3.

⁵ Adelbert was appointed by Bolislav in 1125 to be Bishop of Pomerania; in 1140 Julin was the seat of this Bishopric (Kanngiesser i. 681. 809. Barthold ii. 120) in 1175 Camin (Barthold ii. 214.)

⁶ Helmoldi († 1170) chron. Slavonum (ed. Bangert, Lulec. 1639. 4.) lib. i. c. 49. 50. 62 ss. 88. Gebhardi's Gesch. aller wendisch-slavischen Staaten. i. 150. Chr. U. Spicker's Kirchen u. Reformationsgesch. d. Mark Brandenburg, Thl. i. (Berlin 1839, S. 49.—The aversion of the Vandals in Havelberg to Norbert Archbishop of Magdeburg, in the year 1128, may be seen in vita Ottonis in Ludewig scriptt. Bamb. i. 495. Kanngiesser i. 694 s. Spicker i. 73.

⁷ Spicker i. 95. 447.

Since the year 1121 Vicelin had⁸ laboured among the Obotriten, in a more apostolical manner: he could not however achieve the conversion of Wagria, until Adolphus Count of Schaumburg-Hölstein had made himself master of the country. After that Henry the Lion in 1142 had strengthened himself in the possession of the Dukedom of Saxony, German sway and Christianity continued to advance farther among the northern Vandals. In the year 1149 the Bishoprics of Oldenburg (transferred to Lubeck in 1160)⁹ and Mecklinburg (transferred to Schwerin in 1165)¹⁰ and in 1154 the Bishopric of Ratzeburg, were renewed or founded: At length in 1162, after the complete conquest of the Obotriten, Henry the Lion entirely demolisht Heathendom.¹¹

During these many wars the whole country of the Vandals was wasted to such a degree, that it was necessary to introduce German colonists throughout its whole extent. Thereby the antient inhabitants of the country were almost entirely suppress, and the security of Christendom was thus more firmly establisht.

Last of all the Vandal region, Rugen also yielded, the seat of the greatest sanctuary, and the most stubborn champion of idol worship. After a long war the island was conquered in 1168 by the Danish King Waldemar, the sanctuaries were destroyed, and the inhabitants baptized.¹²

⁸ Concerning Vicelin after 1149 Bishop of Oldenburg, see J. E. de Westphalen *monumenta inedita rer. Germ. praeipue Cimbricarum et Megapolensium*. ii. 234 ss. Praef. p. 33 ss. St Vicelin, von F. Chr. Kruse, Altona 1826. 8. Kirchengesch. Mecklenburgs v. J. Wiggers, Parchim u. Ludwigslust, 1840, S. 28. Vicelinus v. G. F. E. Crusius, in Lücke's u. Wieseler's Vierteljahrschrift. 1846. S. 357. Giesebrecht's wend. Gesch. ii. 241.

⁹ On this transfer see Dr F. H. Grautoff's *histor. Schriften*, Bd. 1 (Lubeck 1836) S. 119.

¹⁰ The documents are given in J. P. de Ludewig *reliquiis manuscriptt.* vi 230: There is a critical edition of the documents of the Bishopric of Schwerin in G. C. F. Lisch *Mecklenburgischen Urkunden* Bd. 3., Schwerin 1841.

¹¹ On the conversion of these northern Vandals in general see Helmoldus l. c. lib. i. c. 47—58. 68—87. Gebhardi i. 175.

¹² Helmoldus lib. ii. c. 12. 13. *Saxonis Grammatici* (Provost in Rothschild † 1204) *historiae Danicae* (libb. xvi. ed St. J. Stephanus. Sorae 1644. fol.) lib. xiv. p. 295. 310. 319. Erich Pantoppidan's *Annales Eccl. Danicae diplomatici* i. 404. Gebhardi ii. 9. F. Män-

§ 92.

CONVERSIONS IN THE NORTH-EAST OF EUROPE.

In the year 1157 St Erich IX. King of Sweden conquered the Finns, forced them to profess Christianity, and founded among them the Bishopric of Randameeki (removed to Abo in 1300.)¹ On the other hand the efforts of the Swedes against Esthland in 1166, and the following years, remained without success.²

In Livonia, with which Bremen and Lubeck had entered into a mercantile connexion ever since the middle of the 12th century, the canon Meinhard, from the year 1186, endeavoured to establish Christianity: after some small success he was forthwith appointed in 1188, by the Archbishops of Hamburg and Bremen, to be Bishop of Yrkill. But as the number of Christians did not increase notwithstanding this measure: the Livonians were rather more distrustful of Christianity; then recourse was had to the wonted expedient, the sword. Several crusades in 1198 and the following years, were brought about in Westphalia and Lower Saxony, against the Livonians. Thus Albert the third Bishop of Livonia (1198—1229), who chose the newly-built Riga as the site of his See (1200), with the help of the order of the sword³ instituted by himself in 1202, succeeded after much bloodshed in accomplishing the work.⁴ Then in the year 1211 Albert began

ter's Kirchengesch. v. Dänemark u. Norwegen. II. ii. 781. The same author in Illgen's Zeitschr. II. i. 112. Barthold's Gesch. v. Rugen u. Pommern ii. 182.

¹ Claud. Oernhjälmi hist. Sueonum Gothorumque eccles. (libb. iv. priores. Stockholm. 1689. 4) lib. iv. c. 4. Olof Dalin's Gesch. des Reichs Schweden. ii. 82.

² Oernjalm I. c. lib. iv. c. 5. Dalin a. a. O. S. 105 ff. Gebhardi's Gesch. v. Lifland, Esthland, Kurland u. Semgallen. (Allg. Welthistorie Th. 50) S 309 ff.

³ See above § 72. note 16.

⁴ On the conversion of Livonia Lithuania and Esthonia (see von Parrot's Entwicklung der Sprache, Abstammung, Geschichte, Mythologie der Liwen, Letten, Eesten. Bd. 1. (Stuttgart 1828) s. 240. On the conversion of Livonia see Heinrich's (a Lettish Priest about 1226) Origines Livoniae sacrae et civiles, s. Chronicon Livonicum vetus. cum

to wage war with the Esthonians: and with the help of Waldemar II. King of Denmark, this people also was subdued in 1219. A painful dispute about this land, between the Danish and German clergy, ended in favour of the latter during Waldemar's imprisonment in 1223, and Dorpat was made the see of the new Esthonian Bishopric.⁵ When also in 1218 Sengallen became Christian, and the Bishopric of Selon was founded in this country; the Kuren (1230) now threatened on every side, determined of their own accord to receive baptism⁶ in order to escape slavery.

After the year 1207 some polish Cistercians began to preach Christianity in Prussia also, not without success. When however the neighbouring Dukes of Poland and Masovia, endeavoured to turn these efforts to account in the subjugation of their country, the Prussians avenged themselves by a devastating invasion of Masovia. Conrad Duke of Masovia first sought deliverance from the aid of crusaders; at last in 1226, he summoned the Teutonic order to his assistance; after wearisome wars (1230—1283), which changed the land into a desert, the knights succeeded in forcing the remnant of the nation, to an outward profession of Christianity.⁸ So early as 1243 Innocent IV. had the country divided into the four Bishoprics of Culm, Pomesania, Ermland, and Sameland.⁹

notis J. D. Gruberi. Francof. et Lips. 1740. fol. Gebhardi s. 314. Voigts Gesch. Preussens i. 380.

⁵ Origines Livon. p. 72 ss. Gebhardi s. 334 ff. Münter's Kirchengesch. v. Danemark u. Norwegen II. ii. 807.

⁶ Albertus Stadens. ad ann. 1229 (in Schilteri scriptt. rer. Germ. p. 306.) Raynaldus ad ann. 1232. no. 3. Gebhardi s. 367.

⁷ See above § 72. note 15.

⁸ On the conversion of the Prussians in general see Petri de Dusburg (about 1326) chronicon Prussiae, ed. Christ. Hartknoch. Jenae 1679. 4. and Hartknoch diss. xiv. de originibus relig. christ. in Prussia in the appendix to that chronicle p. 208. ss. Wagner's Gesch. v. Polen (G. thrie's allgemeine Weltgeschichte. Bd. 14. Abth. 1.) s. 161 ff. Voigts Gesch. Preussens i. 428.

⁹ The documents may be found at the end of Petrus de Dusburg ed. Hartknoch p. 476.

§ 93.

ATTEMPTS OF THE WESTERN NATIONS TO SPREAD CHRISTIANITY
IN ASIA.

So far the Nestorians alone¹ of all Christian parties, had extended themselves into the interior of Eastern Asia (see vol. i. Part 2, § 122.) In the beginning of the 11th century, they even succeeded in converting the Royal family of the Tartar tribe Kerait, which inhabited the country south of the Baikal sea. The native Christians of Syria interpreted Owang Khan, the Royal title of this tribe, into Prester John,² they delighted in opposing to the arrogance of the western crusaders, tales of the might and magnificence of their associate in Faith throned in the farthest East;³ and caused letters to be issued from him

¹ They were so much in favour with the Khalifs, that the christians of all other churches were placed under the jurisdiction of the Nestorian Patriarch, see J. S. Assemani bibl. orient. III. i. 96.

² Marco Polo lib. i. c. 51. in the *Recueil de voyages et de mémoires publié par la société de géographie* T. i. (Paris 1824. 4.) p. 346: de Presto Joanne, qui proprio nomine vocabatur Unchan, loquebatur totus mundus. Hammer Gesch. d. Goldenen Horde s. 61 has Owang-Chan. Tha Nestorian inhabitants of Syria, understood the mongolian royal title Khan as כהן priest, and Owang as a name for which they substituted Juchanan, see my remarks in d. theol. Studien u. Kritiken 1837. ii. 353. In the thirteenth century this Mongol title was better known. Abulpharagins hist. dynast. p. 280 calls Owang-Khan Malek Juhana, Rubruquis: Regem Johannem.

³ Rubruquis (*Recueil de voyages* iv. 260): Isti Catay erant in quibusdam alpibus, per quas transivi, et in quadam planitie inter illas alpes erat quidam Nestorinus pastor potens et dominus super populum, qui dicebantur Haiman, qui erant Christiani Nestorini. Mortuo Concham elevarit se ille Nestorinus in Regem, et vocabant eum Nestorini Regem Johannem, et plus dicebant de ipso in decuplo quam veritas esset. Ita enim faciunt Nestorini venientes de partibus illis: de nihilo enim faciunt magnos rumores. The fictitious tales of the Bishop of Gabula, one of the Armenian ambassadors who in 1145 were sent to Eugene III. brought the first intelligence of Prester John, to the western world. Otto Frising. vii. c. 33.—Oriental accounts of Prester John may be found in Assemani bibl. orient. III. ii. 484. Comp. Mosheim hist. Tartarorum ecclesiastica (Helmst. 1741. 4.) p. 16. Ejusd. institut. hist. eccl. p. 443. Schlosser's Weltgesch. III. ii. i. 268. C. Ritter's Erdkunde Thl. 2. Bd. 1. (2te Aufl. Berlin 1832) s. 256. 283. d'Avezac in the *Recueil de voyages* iv. 547.

to the sovereigns of Europe.⁴ Alexander III. in answer invited Prester John, to put himself in subjection to the Roman Church.⁵ He was in fact in 1202, a vassal of the powerful Zengis Khan,⁶ but he long survived in western poetry, as the priestly ruler of an earthly paradise.⁷ Among the Mongol Kans, the mendicant friars who had been repeatedly sent by the Popes and St Lewis for their conversion,⁸ expected to find so general a reception of Christianity, that the western world long fostered the hope, of seeing this great people quite incorporated with the Roman

⁴ To the Pope, the Kings of France, and Portugal, and the Greek Emperor, see Petit de la Croix hist. de Genghizcan p. 31. This is printed in Assemani bibl. oriental III. ii. 490.

⁵ Alexander's letter to him (*carissimo in Christo filio, illustri et magnifico Indorum Regi, sacerdotum sanctissimo*) in Rogeri de Hoveden annal. anglic. ad ann. 1178 p. 581 in Baronius ann. 1177 note 33 ss.

⁶ Marco Polo lib. i. c. 63. (Recueil de voyages i. 358): *Mastra civitas est Tenduch, et in ista provincia est Rex unus, qui descendit de Presto Johanne, et adhuc est Prestus Johannes, et suum nomen est Gorgion. Ipse tenet terram pro magno Kaan, sed non totam illam, quam tenebat Prestus Johannes, sed aliquam partem illius. Et semper magnus Kaan dedit de suis filiabus istis Regibus, qui descenderunt de Presto Johanne.*

⁷ The magnificence of Prester John may be seen in a German poetical translation of his letter to the Greek Emperor (note 4), in Haupt's and Hoffman's *altdeutschen Blättern* i. 368. This legend is placed in connexion, with the legend of the grail, by Albert the Dichter des jüngern Titarel in the middle of the 14th century: The Holy grail at last forsook the sinful west, and withdrew into the country of Prester John, see San Marte's *Leben u. Dichten Wolframs v. Eschenbach*, Bd. 2. (Magdeburg 1841) s. 437. 351. In the 15th century Prester John was supposed to have been again discovered in the Kings of Erhiopia. See *Magistri Hospitalarii Jerusal. epist. ad Carolum Regem Francorum* in the year 1448 in d'Achery *spicileg.* iii. 777, compare d'Avezac in the *Recueil de voyages* iv. 556.

⁸ Innocent IV. in 1245, sent three Franciscans to the Great Khan Gajuck, and four Dominicans to his commander-in-chief in Persia; (Raynald. ann. 1245 no. 16 ss. There are extracts from the notes of the voyage by the Franciscan Johannes de Plano Carpini, and the Dominican Simon de Sancto Quintino in Vincentii Bellov. *specul. hist.* lib. xxxii. *Johannis de Plano Carpini hist. Mongalorum*, quos nos Tartaros appellamus, was first publisht entire in the *Recueil de voyages et de mémoires* publié par la société de géographie. t. iv. Paris 1839. 4, p. 603): In 1248 St Lewis sent a Dominican to the same great Khan (Joinville hist. de s. Louis ed. Petitot. p. 332., and in 1253 a Franciscan to his successor the Great Khan Mangu, and the

Church. However the Mongols showed an equal regard for the religions of all nations, that they might vanquish, and rule over the nations themselves.⁹ Thus the Christians as well as the Mahometans were taken with the same delusion : They vied with each other in endeavouring to win over the Khans, exclusively to their own faith. Moreover among the Mongols, the Nesto-

Mongol Prince Sartach (on this head see *Itinerarium fratris Willelmi de Rubruk* [Ruysbroek, doubtless Rubruquis] de Ord. Frat. Minorum. ad partes orientales, first publisht entire in the original, in the *Recueil de voyages* iv. 199.)—The conversion of Sartach, which his pretended chaplain, John, soon after announced to the Pope, and upon which Innocent IV. congratulates him in 1254 (Raynald. ad h. a. n. 1 ss.), was undoubtedly as fabulous, as the intelligence given by the Armenian Monk Haitho (*Haithonis historia orientalis*, Colon. Brand. 1671. 4. p. 37), that the great Khan Mangu in 1253, upon the request of Haitho, King of Armenia, had received baptism.—After Mangu's death in 1257, the great Mongol kingdom was divided between his two brothers, Hulagu in Persia, and Cublai in China. Hulagu († 1265) was favourable to the Christians (Asseman. III. ii. 103. Alexandri IV. epist. ad Olonem Regem Tartarorum in Raynald. ann. 1260 no. 29 ss.): likewise his son and successor Abogha († 1282, the Pope's negotiations with him may be seen in Raynald. ann. 1267. no. 70, 1274. no. 21, 1277. no. 15, 1278. no. 17). His successor Achmet († 1284) was indeed a Mahometan : but Argun († 1291) renewed the former alliance again (Raynald. ann. 1285. no. 79, 1288. no. 33, 1289. no. 60, 1291. no. 32), and the two Khans Baidu and Cazan even became Christians (comp. the *Histor. Orientalis* p. 58 ss. of their contemporary Haitho.) However these Mongol princes attacht less importance to Christianity, than to an alliance with the Christian princes against the Mahometans.—Also the great Khan Cublai in China was favourable to the Christians (compare the *peregrinatio* of Marco Polo, a Venetian in great favour with the Khan, from 1275—1293, probably written in Italian in 1298, in two old texts, one publisht at full length, in French in the *Recueil de voyages et de mémoires*, publié par la société de géographie. t. i. Paris 1824. 4. p. 1, and one in Latin *ibid.* p. 297; compare die *Reisen des Venezianers Marco Polo*, deutsch mit einem Commentar v. Aug. Bürck, nebst Zusätzen u. Verbesserungen v. K. F. Neumann, Leipzig 1845): accordingly in 1275 with Marco Polo, and afterwards in 1296 and 1299 (Raynald. ann. 1299 no. 39), a Dominican and Franciscan were sent to China.—Compare on the whole subject Mosheim *hist. Tartarorum* eccl. p. 29 ss. *Mémoires sur les relations politiques des Princes chrétiens, et particulièrement des Rois de France avec les Empereurs Mongols* par M. Abel-Rémusat in the *Mémoires de l'institut royal de France*, Acad. des inscript. t. vi. (1822) p. 396, especially p. 418 ss.

⁹ So says Rubruk (*Recueil* iv. 313) of the festivals which Mangu Khan instituted : *mos ejus est, quod talibus diebus, quos divini Meritis.*

rians always surpass the Roman Catholics in number and influence,¹⁰ so the fruit of all these missionary labours at last was nothing more than one small community in Cambalu (Peking) for which Clement V. in 1307 appointed an Archbishop,¹¹ while this Mongol confusion of religions in the 13th century, probably gave its present form to the superstition of the Lamas.¹²

soothsayers) sui dicunt ei festos, vel sacerdotes Nestorini aliqui sacros, quod ipse tunc tenet curiam, et talibus diebus primo veniunt sacerdotes christiani cum suo apparatu, et orant pro eo, et benedicunt scyphum suum. Istis recedentibus veniunt sacerdotes Sarraceni, et faciunt similiter. Post hos veniunt sacerdotes idolatrae, idem facientes. Et dicebat mihi Monachus (a Nestorian at the Khan's court), quod solum credit Christianis, tamen vult ut omnes orent pro eo. Et ipse mentiebatur, quia nullis credit, sicut postea audietis, cum omnes sequuntur curiam suam, sicut muscae mel, et omnibus dat, et omnes credunt, se esse familiares ejus, et omnes prophetant ei prospera. Mangu said to Rubruk p. 359 : Nos Moal credimus, quod non sit nisi unus Deus, per quem vivimus et per quem morimur, et ad ipsum habemus rectum cor. —Sed sicut Deus dedit manui diversos digitos, ita dedit hominibus diversas vias. Vobis dedit Deus Scripturas, et vos Christiani non custoditis eas.—nobis autem dedit divinatores, et nos facimus quod ipsi dicunt nobis et vivimus in pace. Compare Marco Polo translated by Bûrck S. 264 ff.

¹⁰ Abulpharag. ap. Asseman. iii. ii. 102. Haithon hist. orient. c. 25. 26.

¹¹ This was the Franciscan Joannes de Monte Corvino cf. Wadding ad ann. 1307 no. 7. ss. With regard to the condition of this community, compare the two letters of this Franciscan in the year 1305, (Wadding ad h. ann. no. 10 ss.) in which he complains : Nestoriani—tantum invaluerunt in partibus istis, quod non permittant, quempiam Christianum alterius ritus habere quantumlibet parvum oratorium, nec aliam quam Nestorianam publicare doctrinam.

¹² Cublaikhan in 1260 appointed the first Dalai-Lama, see Abel-Rémusat recherches sur les langues tartares. t. i. (Paris 1820. 4) p. 346. 386. Ritter's Erdkunde ii., i., 258.

FIRST APPENDIX.

HISTORY OF THE GREEK CHURCH.

§ 94.

INTERNAL RELATIONS.

Among the Greeks all freedom, including that of the Church, and of scientific enquiry, was stifled for a long time by the oppression of a despotic government.¹ On the other hand slavishness and insolence, falsehood and hypocrisy, were deeply rooted among them. They thought that in the classic age of Hellas, the pinnacle of earthly civilization had been attained, in the antient Fathers of their Church, the loftiest height of theological knowledge had been reached. So they batten on the lees of this twofold past, and by virtue of this their inheritance lookt down with scorn on all other nations as barbarians. Michael Psellus the younger² († about 1100) may be regarded

¹ Nicetas Choniata de Manuele Comneno lib. vii. c. 5: *τοῖς πλείοσι βασιλεῦσι Ῥωμαίων οὐκ ἀνεκτόν ἐστιν ὅλως ἄρχειν μόνον, καὶ χρυσοφορεῖν, καὶ χρῆσθαι τοῖς κοινοῖς ὡς ἰδίοις, καὶ διαδιδόναι τὰτα καθὼς ἄρα καὶ οἷς βούλονται, οὐδὲ μὴν ὡς δούλοις τοῖς ἐλευθέροις προσφέρεσθαι· ἀλλ' εἰ μὴ καὶ σοφοὶ δοκοῖεν, καὶ θεοείκελοι τὴν μορφήν, καὶ ἥρωες τὴν ἰσχὺν, καὶ ὡς Σολομῶν θεόσοφοι καὶ δογματισταὶ θεϊότατοι, καὶ κανόνες τῶν κανόνων εὐθέστεροι, καὶ ἀπλῶς θείων καὶ ἀνθρωπίνων πραγμάτων ἀπροσφαλεῖς γνώμονες, δεῖν ὁῖονται πάσχειν.* "Ενθεν — οὐδὲ κατὰ τοῦτο τὸ μέρος δευτερευεὶν οἰτινοςοῦν ἀνεχόμενοι οἱ αὐτοὶ δογμάτων εἰσηγηταὶ καὶ δικασταὶ τούτων καὶ ὁρίσταί, πολλὰ καὶ δὲ καὶ κολασταὶ τῶν μὴ συμφωνούντων αὐτοῖς γίνονται.

² cf. Leo Allatius de Psellis et eorum scriptis diatriba (also in Fabricii bibl. Græca v. 1.) On his works, which comprise almost the whole learning of the time, and are for the most part still unprinted, Oudin comm. de scriptt. eccl. ii. 646, and Hamberger zuverlässige Nachrichten v. d. vornehmsten Schriftstellern iv. 11, may be also compared. The theological works, however, (Commentaries on certain books of the Old Testament—dogmatical Explanations de Trinitate etc.—lib. de vii. sacris Synodis œcumenicis etc.) are of no particular value.

as the representative of the Grecian learning of this age; for in him we find even in the region of theology, very few original creations, but still here and there the merit of a judicious collection and interpretation of former writings. Such a reputation the two exegetical writers Theophylact Archbishop of the Bulgarians in Achrida († 1107)³ and Euthymius Zygadenus, a monk at Constantinople († after 1118),⁴ have earned for themselves pre-eminently. This Euthymius Zygadenus even issued some works on polemical divinity in his *Πανοπλία δογματική τῆς ὀρθοδόξου πίστεως*,⁵ so also did the historian Nicetas Acominatus, from Chonae, († after 1206, see above s. 3) in the *Θησαυρὸς ὀρθοδόξίας*.⁶ Works of greater research in defence of the Church,

³ Comm. in xii. Proph. minores, in iv. Evang., in Acta Apost. et Epistt. Pauli—Epistolae.—Lib. de iis in quibus Latini accusantur (see Part I. §. 42. note 10) ect.—Opp. edd. Finetti, de Rubeis et al. Venet. 1755 ss. vol. iv. fol. (comp. Ernesti theol. Biblioth. Bd. 5. s. 771 ff.) cf. Rich. Simon. hist. crit. des principaux commentateurs du N. T. c. 28.

⁴ Zygadenus, not as he is commonly called Zigabenus, see my Introduction to Euth. de Bogomilis. By him were written: Comm. in Psalmos (in Theophyl. Opp. ed. Venet.)—Comm. in iv. Evang. (ed. Ch. F. Matthaei. Lips. 1792. t. iii. 8.)—Comm. in epistt. Pauli (Ms. in bibl. Vat. no. 636. s. Anecdota literaria. Romae 1783. vol. iv. p. 6.) cf. Rich. Simon. l. c. c. 29.

⁵ In 24 Titulis, according to Anna Comnena lib. xv. p. 490, suggested and entitled by the Emperor Alexius, latine ex. vers. P. F. Zini Venet. 1555. fol. (also in the Bibl. PP. Lugd. xix. 1), in which, however, Titulus xiii. κατὰ τῶν τῆς παλαιᾶς Ῥώμης, ἦτοι τῶν Ἰταλῶν, οὐκ ἐκ τοῦ νιόυ ἐκπορεύεται τὸ ἅγιον πνεῦμα (Ms. in Paris and Rome, see N. Fogginus in Anecd. literar. iv. 10. Romae 1783) is left out. The Greek text was printed in 1711 fol. at Tergowist in Wallachia, but with some omissions in the first tituli on the Trinity, and with the rejection of the whole Tit. xxiv. against the Mahometans (which however J. J. Beurer in Frid. Sylburgii Saraceniciis, Heidelb. 1595. 8. had already publisht in Greek and Latin.) Concerning Tit. xxiii. against the Bogomili, see below §. 96. note 5. cf. Fabricii biblioth. Graeca vii. 461. Matthaei praef. ad Euthym. Zigab. commentarium in iv. Evangel. p. 8. Ullmann in d. theol. Studien u. Krit. 1833. iii. 665.

⁶ On Nicetas see Ullmann in the work quoted above s. 674, Michael Akominatus of Chonae, Archbishop of Athens, brother to Nicetas, by Dr A. Ellissen, Göttingen 1846. s. 7. The *Θησαυρὸς* in 27 books is written with the assistance of the *Πανοπλία* of Euthymius, but it has more original matter, see Ullmann, s. 680 of the same work. The first five books are publisht in a Latin translation by P. Morellus, Paris 1569. 8. (also in the Bibl. PP. Lugd. xxv. 54, lib. xxiii. the controversies at the instigation of Alexius, in Greek in Th. L. F. Tafel Annae Comnenae supplementa, historiam eccl. Graecorum saec. xi. et

and certain Church doctrines, were publisht by Nicholas Bishop of Methone (about 1190).⁷ Lively pictures and outlines of the moral and religious condition of the age, may be found in the speeches, and lesser writings of Eustathius Archbishop of Thessalonica (about 1170)⁸ distinguisht for his classic learning. The historian John Zonaras (after 1118, see Part 1, s. 1),⁹ and particularly Theodore Balsamon,¹⁰ Patriarch of Antioch († after 1203), have bequeathed to Constantinople useful illustrations of ecclesiastical law.

When the Christian faith in general had settled down to a formal profession without inward life, many were led by a narrow classical education, to seek for truth in the antient philosophers;¹¹

xii. spectantia. Tubing. 1832. 4.) There is a description of the whole work to be seen in Montfaucon *Palaeographia Graeca* p. 326 ss. Fabricii bibl. Graeca vi. 420 ss. A. M. Bandinii *Catalogus codd. mss. bibl. Mediceae Laurentianae varia continens opera Graecorum Patrum*. Florent. 1764. fol. p. 430.

⁷ Concerning him see Ullmann, s. 701 of the same work. Works by him: *Ἀνάπτυξις τῆς θεολογικῆς στοιχειώσεως Πρόκλου* ed. J. Th. Voemel (Creuzeri initia philosophiae ac theologiae ex Platonicis fontibus ducta. P. iv. Francof. ad M. 1825); Nicol. Meth. *Anecdoton* (questions and answers on points at issue between Christians and Heathens) ed. Voemel P. ii. (2 Schulprogramme, Frankf. 1825 and 1826. 4.); Lib. de corpore et sanguine Christi (in the Auctarium biblioth. vett. Patr. Ducaeanum ii. 272.) The unprinted works against the Latins are, De primatu Papae, de processione Spir. s., de azyimis.

⁸ The celebrated author of the Commentary on Homer, and on Dionysius Periegetes. His theological works are sermons, short treatises, letters: Eusthathii opuscula ed. Th. L. F. Tafel, Francof. ad. M. 1832. 4.

⁹ His *Commentarii in canones ss. Apostolorum*, — in canonicas aliquot Graecorum Patrum epistolas, — in canones ss. Conciliorum, formerly publisht separately, are best collected in Guil. Beveregii (Beveridge) *Synodicon s. Pandectae canonum ss. Apostolorum et Conciliorum*. Oxon. 1672. fol.

¹⁰ Concerning him see Fabricii. bibl. Gr. ix. 184. His works are *Commentarius in canones Apostolorum et Conciliorum, et in epist. canon. ss. Patr.* (in Guil. Beveregii *Synodicon*): *Commentarius in Photii Nomocanonem* (in Guil. Voelli et Henr. Justelli biblioth. juris canon. veteris. ii. 789. Compare Biener's *Gesch. d. Novellen Justinian's*. Berlin 1824. s. 210): *Collectio ecclesiasticarum constitutionum* (ibid. p. 1223): *Responsa* on several questions in Canon Law in Jo. Leunclavii *jus Graeco-Romanum* (Francof. 1596. ii. tom. tol.) i. 130. 138. 160. 362. 442.

¹¹ Nicolai Methon. *refutatio Procli* ed. Voemel. p. 1: Θανασιόν οὐδὲν, εἰν Ἕλληνες — μωρίαν ἡγῶνται τὴν ἀληθινὴν καὶ ἡμετέραν σοφίαν. — Ἀλλὰ θανασιόειεν ἂν τις μᾶλλον εἰκότως, ὅπως καὶ τινες τῆς ἔνδοξ τούτης καὶ

whilst others were carried away by a system of theology grounded only on the understanding, to fruitless questions on points of doctrine;¹² and lastly others even thought all profession of religion

ἡμετέρας γεγονότες αὐλῆς — καὶ μυστηρίων θείων γευσάμενοι, ἐπειδὴ καὶ τῆς ἕξω παιδείας μετέσχον ἢ που καὶ ἀκροθιγῶς ἤψαντο, ἐπίπροσθεν τῶν οἰκείων τίθενται τὰ ἀλλότρια, τούτων μὲν τὸ σαφές καὶ ἀπλοῦν καὶ ἀκατάσκειον, ὡς εὐτελές, διαπτύοντες, ἐκείνων δὲ τὸ ποικίλον καὶ γρίφον καὶ κομψόν, ὡς ὕτως σεμνόν τε καὶ σοφὸν ἐκθειάζοντες. — "Ὅθεν αὐτοῖς καὶ τὰ πολλὰ προσκόπτειν συμβαίνει, καὶ τῆς ὀρθῆς ἐκτρέψεσθαι πίστεως, καὶ ταῖς σεσοφισμέναις πειθανάγκαις ἀπαγομένους, εἰς βλασφημιῶν αἱρέσεις ὑπολισθαίνειν. In the time of Alexius Comnenus an Italian taught Philosophy in Constantinople, and gained influence by spreading error, Nicetas Chon. in Tafel Annae Comn. supplementa, p. 2: Ἦν δὲ τὰς μετεμψυχώσεις δοξάζων, καὶ τὰς ἀγίας εἰκόνας οὐχ ὡς ἔδει τιμᾶν ἀλλὰ καὶ τὰς Πλατωνικὰς ἰδέας παρέδεχτο, καὶ ἅλλα ἅττα κακοφρόνως ἐφθέγγετο, cf. Tafel prael. p. xi. Anna Comn. v. 8 ss. gives his history at length. One of his disciples, Serblis, he had quite led back to Heathenism: this man threw himself into the sea with the words δέξαι με, Πύσειδον, see Nicetas in Tafel p. 2. On the other hand many heathen superstitions had maintained their hold on the people, see Nicetas thesaur. iv. 42 (Bibl. PP. Lugd. xxv. 143): Ethnophrones, h. e. gentiliū rituum et superstitionum imitatores, ut caeteris in rebus cum Christianis orthodoxis conveniant, in hoc certe dissentiunt, quod gentilis superstitionis studiosiores aequo, genesin, h. e. natalitium sidus, Fortunam, Fatum, astronomium et astrologiam introducunt et recipiunt: item vaticinia et divinationes, quae auguriis, auspiciis, cledonismis, h. e. incerti auctoris rumoribus, expiationibus, prodigiis, incantationibus, et caeteris id genus constant, non sine dierum, mensium, temporum, annorumque observatione amplexantur.

¹² Under Alexius Comnenus (from 1081—1118) Eustratius, Archbishop of Nicaea, gave offence by the statement (Nicetas in Tafel p. 3): καὶ πρότερον καὶ νῦν τῷ Πατρὶ λατρεύειν τοῦ Κυρίου τὸ πρόσωπον (i.e. the Body He had assumed), he had to recant, and confess: ἰψῶν τὸ πρόσωπον ἀπ' αὐτῆς τῆς προσλήψεως, — καὶ τοσοῦτον, ὥστε πῶς ταῦτόν τῷ κτίσαντι. On the other hand the monk Nilus fell into the monophysite heresy, when he so understood the words ἐθεώθη τὸ πρόσωπον, that he φύσει τὸ τεθεωῆναι ἐδόξαζεν (Anna Comn. lib. x.) — Under Manuel Comnenus (from 1143—1180) there was a dispute on the meaning of the words in the Liturgy: οὐ εἰ ὁ προσφέρων καὶ προσφερόμενος (cf. Nicetas Chon. hist. in Manuele vii. 5. Jo. Cinnamus hist. iv. 16.) Many men distinguished for learning, in particular Soterichus Panteugenēs, the Patriarch designate of Antioch, asserted (Spicilegium Rom. x. i.): μόνῳ τῷ πατρὶ καὶ τῷ πνεύματι τὴν ἐπὶ τοῦ σταυροῦ θυσίαν προσηρέχθαι, οὐ μὴν καὶ αὐτῷ τῷ προσενέγκαντι λόγῳ, φάσκοντες ὡς, εἰ ταῦτο δοίη τις, εἰς δύο πρόσωπα πάντως ὁ εἰς τοῦ θεοῦ υἱὸς διαστήσεται. But the Synod assembled for this cause in 1156 (the acts are given in part in Tafel Annae Comnenae suppl. p. 8. cf. prael. p. xiv., entire in the Spicilegium Rom. x. i.) decided in this manner (Spic. Rom. x. 70): καὶ κατ' ἀρχὴν ἐπὶ τοῦ δεσποτικοῦ πάθους τὸν θεάνθρωπον λόγον τὸ σωτήριον θῆμα προσενεγ-

fraught with danger,¹³ but not unfrequently fell away into superstitious ignorance and fanaticism.¹⁴ Among the monks there were some who sought by persisting in adventurous self-inflictions, to win for themselves the admiration of the crowd.¹⁵ In general the characteristics of the monastic orders were ignorance, and pretended sanctity.¹⁶ However from amongst them rose up

εἰν τῷ πατρὶ τε, καὶ ἐαυτῷ ὡς θεῷ, καὶ τῷ πνεύματι — ἀλλὰ καὶ νῦν ὅσαύτως τὰς ἀναιμάκτους θυσίας τῇ παντελείᾳ καὶ τελειοποιῶ τριάδι προσάγεσθαι. — After this rose a dispute on the meaning of the words of Christ, ὁ πατήρ μου μείζων μου ἐστὶ (Nicetas in Manuele vii. v. Jo. Cinnamus vi. 2.) Some explained these words κατὰ μόνην αἰτίαν τῆς ἀχρόνου — αὐτοῦ θεόητος, πρώτης γεννήσεως, others on the contrary asserted κατὰ τὸ ἀνθρώπινον λεχθῆναι (Maji nova, coll. iv. 3.) A Synod in the year 1166, in which the Emperor himself presided, decided for the latter opinion (the acts are in A. Maji scriptt. vett. nova coll. iv. i.)—Towards the end of his life Manuel took offence at the tenets of the book used in the Church, for the instruction of Catechumens (Nicetas in Manuele vii. 6): ἀνάθεμα τῷ θεῷ τοῦ Μωάμετ, περὶ οὗ λέγει “οὔτε ἐγέννησεν οὔτε ἐγενήθη,” καὶ “ὅτι ὁλόσφυρός ἐστι” (cf. Euthymii Zygad. Panoplia tit. xxiv.: Ὁλόσφυρον λέγει τὸν θεὸν ἦτοι σφαιρικόν, i.e. as filling the whole globe). and after much resistance from the Bishops prevailed so far as to have the following passage substituted instead: ἀνάθεμα τῷ Μωάμετ καὶ πάσῃ τῇ αὐτοῦ διδαχῇ καὶ διαδοχῇ.

¹³ Nicetas thes iv. 39 de haeresi Gnosimachorum: Gnosimachi cunctis Christianismi cognitioni et scientiae resistent, illosque frustra laborare asserunt, qui sacris in Scripturis scientiam ullam aut cognitionem investigant, cum praesertim a Christianis Deus praeter bona opera nihil requirat, ut sit satius, si quis simplicius ambulet, nec curiosius quicquam perscrutetur.

¹⁴ When Alexius Comnenus, in want of money, had the precious metal stripped from certain sacred images, Leo, Bishop of Chalcedon, characterized the deed, as εἰκονομαχίαν πρόδηλον, and asserted with emphasis, τὴν ὕλην καὶ μετὰ τὴν τοῦ σχήματος ἀφάνισιν εἰκόνας Χριστοῦ καὶ τῶν ἁγίων εἶναι (Nicetiae thes. in Tafel Annae Comn. suppl. p. 6.)

¹⁵ Eustathius enumerates the different methods, ad stylitam quandam Thessalonicensem c. 48 (opp. ed. Tafel p. 189.) These are distinguished οἱ γυμνῖται, οἱ τῶν τριχῶν ἀνεπίστροφοι, οἱ χαμαιεῦναι καὶ ἀνιπτότοδες, οἱ ῥυπῶντες, οἱ σιγῶντες, οἱ σπηλαιῶται, οἱ σιδηρούμενοι τοῦ θεοῦ οἱ ἱπλῖται, οἱ δεινῖται (c. 54. οἱ δεινδροκομούμενοι), οἱ κινῖται (c. 54. οἱ κινωρορούμενοι.) Then οἱ ἐν ἀσκήσει τεταυμένοι, of whom he gives three sorts, p. 49: οἱ μὲν γὰρ ἐγκαταχωρῶνουσιν εἰς γῆν ὅλους ἑαυτούς: — οἱ δὲ γῆν μὲν τατοῦντες, βραχυτάτῳ δὲ καταλύματι ἐνείρξαντες ἑαυτούς, ὑπερβαίνεισι τὸν προῖτῳ τεθείσθαι καὶ αὐτοί. The third sort consisted of the στῆλῖται, who lived in columns (c. 54. ἐντὺς τοῦ στύλου.)

¹⁶ Compare especially Eustathii ἐπίτομος βίου μοναχικοῦ ἐπὶ διορθώσει τῶν περὶ αὐτῶν (opp. ed. Tafel. p. 214.)

the few men, who in their zeal for the Church ventured to resist the imperial despotism.¹⁷

§ 95.

RELATIONS TO THE LATIN CHURCH.

Leonis Allatii de Ecclesiae occidentalis atque orientalis perpetua consensione (libb. iii. Colon. Agripp. 1648. 4.) lib. ii. c. 10—16. J. G. Walch hist. controversiae Graecorum Latinorumque de processione Spiritus sancti Jenae 1751. p. 62. Schröckh Kirchengesch. xxix. 372.

During the crusades, continual but unavailing efforts were made on the side of the Latins, to unite the Greek Church with the Roman, or rather to bring it under its dominion. Remarkable in this point of view are, the Synod at Bari¹ summoned by Urban II., the mission of Peter Grosulanus Archbishop of Milan from Paschal II. to the Emperor Alexius Comnenus in 1113,² the negotiations of Anselm Bishop of Havelberg at the court of John

¹⁷ Thus the Abbot Nicephorus Blemmydes, about 1240, dismissed from his Church the Marchesina, the concubine of the Emperor John Ducas (Nicephori Gregorie hist. Byzant. ii. 7. Leo. Allat. de Eccl. occid. et orient. perp. consensione p. 718.) Arsenius, Patriarch of Constantinople, excommunicated Michael Palaeologus, because in 1259 he put out the eyes of the former Emperor's son, and seized on the crown for himself. He was deposed: a monk Joseph entered upon his see: the consequence of which was a tedious schism, between the Arsenians and Josephites (Nicephorus Gregor. lib. iv. Georg. Pachymeres de Mich. Palaeol. iii. 10. 14. iv. 5. 10. de Andronico i. 13. 21.)

¹ First summoned, with reference to the Greeks in Lower Italy. Anselm, Archbishop of Canterbury, had to take up the cause of the Roman Church; see Eadmeri hist. Novorum lib. ii. p. 53. Idem de vita Anselmi p. 21; Willelmi Malmesburiensis de gestis Pontificum Anglorum lib. i. (in Rerum Anglicarum scriptores post Bedam praecipui. Francof. 1601. p. 223.) Anselm was thus induced to compose his treatise de processione Spiritus s. contra Graecos (Opp. p. 49 ss.)

² The Archbishop's speech before the Emperor is given in Latin by Baronius ad ann. 1166 no. 8. in Greek in Leonis Allatii Graecia orthodoxa i. 379. Eustratius, Archbishop of Nicaea, took up the argument against him; his report of the controversy is preserved in a manuscript at Paris (Lequien Oriens christ. i. 649.) On the correspondence which ensued see Allatius de Eccl. occid. et orient. perp. cons. p. 626.

Comnenus,³ and the efforts of the Popes during the reign of the Emperor Manuel Comnenus,⁴ who was inclined to the union himself, but found a general disinclination to it among the clergy and people.⁵ The Greeks rejected the demand which was always reiterated, that in all points of difference they should give way to the Latins; this they did more resolutely than before, now that the universal monarchy of the Popes, lately developed in things spiritual and temporal, gave them new ground of offence.⁶ Many

³ About the year 1135, Anselm had been ambassador of the emperor Lothair at Constantinople, and in 1150, at the request of Eugene III., he prepared for him a full report of a religious conference held with Nicetas, Archbishop of Nicomedia, in the *Dialogorum* libb. iii. (in d'Achery spicileg. i. 161.) On Anselm see Riedel in v. Ledebur's *Archiv. f. d. Geschichtskunde d. preuss Staats* viii. 97, and Spieker in *Illgen's Zeitschr. f. hist. Theol.* 1840. ii. 1.

⁴ A letter of Pope Hadrian IV. to Basilius Achridenus, Archbishop of Thessalonica, and his answer, are to be found in Baronius 1153, no. 42, in Greek and Latin in Jo. Leunclavii *jus graeco-romanum* ed. M. Freher i. 305. The disputation of this Basilius with Henry, Archbishop of Beneventum, in Greek in MS. in the imperial Library of Vienna, see Lambecius ed. Kollar. v. 88.—On the Synod negotiated about 1170 in Constantinople by a Roman embassy, see Allatius de *Ecll. occ. et orient. perp. cons.* p. 664. Michael Anchialus, the Patriarch at that time, afterwards noted down the conference, in which he sought to prove to the Emperor the impolicy of acceding to the demands of the Latins. Fragments of it are preserved in Allatius p. 664. 526. 555. 558.

cf. Michael Anchiali in Allatius p. 558: *Κυριεύσοι δέ μου τις Ἀγαρηνός τὸ φαινόμενον, καὶ μὴ μοι συντρέχει τὸ νοούμενον Ἰταλός. Τῷ μὲν γὰρ οὐχ ὁμογνωμονῶ, κἂν ὑπόκειμαι· τοῦ δὲ τὴν συμφωνίαν ἐπὶ τῇ πίστει δεξιόμενος, τοῦ θεοῦ μου ἀπεχώρησα, ὃν ἐκείνος ἀποδιώκει ἐμαυτὸν ἐνστερνισάμενος.*

⁶ Nicetas says to Anselm (cf. note 3) lib. iii. c. 8: *Si Romanus Pontifex in excelso throno gloriae suae residens nobis tonare, et quasi projicere mandata sua de sublimi voluerit, et non nostro consilio, sed proprio arbitrio, pro beneplacito suo de nobis et de Ecclesiis nostris judicare, imo imperare voluerit: quae fraternitas, seu etiam quae paternitas haec esse poterit? Quis hoc unquam aequo animo sustinere queat? Tunc nempe veri servi, et non filii Ecclesiae recte dici possemus et esse. Quid si sic necesse esset, et ita grave jugum cervicibus nostris portandum immineret, nihil aliud restaret, nisi quod sola Romana Ecclesia libertate, qua vellet, frueretur, et aliis quidem omnibus ipsa leges conderet, ipsa vero sine lege esset, et jam non pia mater filiorum, sed dura et imperiosa domina servorum videretur et esset. Quid igitur nobis Scripturarum scientia? Quid nobis literarum studia? Quid magistrorum doctrinalis disciplina? Quid sapientum Graecorum nobilissima ingenia? Sola Romani Pontificis auctoritas, quae, sicut tu dicis, super omnes est, universa haec evacuat. Solus ipse sit Episcopus,*

Greek authors of the 12th century wrote in defence of their Church;⁷ and these haughty proposals of the Latins, only served to arouse among the Greeks, already injured by the overpowering might of the West, and the licentiousness of the crusaders,⁸ an indelible hatred of the Romish Church.⁹

solus magister, solus praeceptor: solus de omnibus sibi soli commissis soli Deo, sicut solus bonus Pastor, respondeat. Jo: Cinnamus (about 1176) denies that Rome had a high priest, and also an Emperor. 'Ὁ μὲν γὰρ τῷ τῆς βασιλείας ἐπεμβαίνων μεγαλείῳ, ἀναξίως ἐαυτῷ, ἱππευομένῳ περὶ τῷ ἀρχιερεὶ παραθεί, καὶ ὅσα καὶ ἱπποκόμος αὐτῷ, γίνεται. ὁ δὲ ἱμπεράτορα τοῦτον — ὀνομάζει. Πῶς, ὦ βέλτιστε, καὶ πόθεν σοι τοῖς Ῥωμαίων βασιλεῦσιν εἰς ἱπποκόμους κεκρῆσθαι ἐπῆλθεν; — Ἄλλ' ἐμοί, φησὶ, βασιλέας προβεβλήσθαι ἔξεστι. Ναί, ὅσον ἐπιθεῖναι χεῖρας, ὅσον ἀγιάσαι, ταῦτα δὴ τὰ πνευματικά, οὐχὶ δὲ καὶ βασιλείας ἤδη καταχαρίζεσθαι, καὶ τὰγε ταυαῦτα καινοτομεῖν. Compare below note 11.

⁷ Euthymius Zygadenus in Panoplia tit. xiii. (see above § 94. note 5), Eustratius, Metrop. Nicaenus, see above note 2, Michael Anchiali Patr. Constantinop. see note 4.—Von. Kalaidowitsch, in the monuments of Russian literature of the 12th century, has published in 1821, the letter of Nicephorus, metropolitan of Kiev (1106—1120) to the Grand Duke Wladimir II., striving for the separation of the Greek and Latin Churches (see Karamsin's Gesch. d. russ. Reichs ii. 133; Strahl's Beiträge zur russischen Kirchengeschichte i. 55), see Wiener Jahrb. d. Lit. xx. 237.—The letter of John III. metropolitan of Kiev (1164—1166) to the Pope Alexander III., found in Latin in Herberstein rerum Moscovit. comment. p. 30. Comp. Karamsin. ii. 259. Strahl's gelehrtes Russland, s. 38.—Nili Doxopatrii (1143) τάξις τῶν πατριαρχικῶν θρόνων (see Part i. § 42. note 11).—Nicetas Acominatus in thesauro orthodox. (see above § 94. note 6) lib. xxi. et xxii. Leo Allatius de Eccl. occ. et orient. perp. cons. p. 627 ss. mentions yet more.

⁸ Thus it was upon the conquest of Thessalonica by the Normans in 1186, see Eustathius de capta Thessalonica narratio (Leo Grammaticus et Eustathius, ed. Bonnae 1842, p. 366), where even the sanctuaries were overthrown, p. 470, and the divine service of the Greek Church mockt and interrupted, p. 480. After that Richard Cœur de Lion, in 1192, had handed over the island of Cyprus to Guy king of Jerusalem: the Greek clergy and monks of the island suffered a cruel persecution: see the account given by an anonymous Greek in Allatius de Eccl. occid. et orient. perp. cons. p. 693.

⁹ See the manner in which this hatred broke out under the usurper Andronicus, in persecutions against the Latins of Constantinople, in Willelhmus Tyrensis lib. xxii. c. 12 (Gesta Dei per Francos I. 1024) cf. Nicetae Chon. hist. ed. Paris. p. 162.—Baldwin the first Latin Emperor wrote to Innocent III. (Gesta Innoc. III. c. 92): Haec est (gens) quae Latinos omnes non hominum nomine dignabatur, sed eorum, quorum sanguinem effundere paene inter merita reputabant.—Cone Lateranense iv. ann. 1215. c. iv.: Postquam Graecorum Ecclesia—al

This hatred was indeed considerably increased by the establishment (1204) of a Latin empire in Constantinople.¹⁰ However the Greek Emperors were thus induced, to manifest at least an appearance of zeal for Church union, that they might not be hindered in their endeavour to win again, what they had lost, by the Popes who had at their beck the whole might of the western world. Thus even the Emperor John II. Vatatzes Ducas in Nicaea, encouraged the negotiations set on foot by some Franciscans in 1232, and continued in 1233 with the Greek Patriarch Germanus;¹¹ but these remained without success, for the Latins would have every point conceded by the Greeks, and themselves yield in none.

After the re-conquest of Constantinople (1261) the Emperor Michael Palaeologus, found it necessary for his interest to win over the Pope by fresh proposals for union, in order to hinder the

obedientia sedis apostolicae se subtraxit, in tantum Graeci coeperunt abominari Latinos, quod inter alia, quae in derogationem eorum impie committebant, si quando sacerdotes Latini super eorum celebrassent altaria, non prius ibi sacrificare volebant in illis, quam ea tanquam per hoc inquinata lavissent. Baptizatos etiam a Latinis et ipsi Graeci rebaptizare ausu temerario praesumebant, et adhuc, sicut accepimus, quidam agere hoc non verentur. This however was only brought about by the hatred of individuals, not by maxims adopted in the Church: accordingly Demetrius Chomatenus, Archbishop of Bulgaria, about 1200, declares himself decidedly opposed to such measures, in Leunclavii *jus Graeco-Rom.* i. 318.

¹⁰ Philip Augustus, King of France, founded at that time a Collegium Constantinopolitanum in Paris, with a view to win over young Greeks of distinction to the Latin mode of civilization, Bulaei *hist. Univ. Paris.* iii. 10.

¹¹ The correspondence with which these negotiations were carried on may be seen in Matth. Paris *ad ann. 1237.* p. 457 ss. First, among others, p. 459, is Germani ep. ad Papam veteris Romae: Nos junctis manibus vobis uniri, vel vos nobis—instantissime postulamus, nec amplius schismatico scandalo immerito deturpari, et a Latinis defamari, vel vos a Graecis depravari. (*Et ut veritatis medullam attingamus, multi potentes ac nobiles vobis obtemperarent, nisi injustas oppressiones et opum protervas exactiones et servitutes indebitas, quas a vobis subjectis extorquetis, formidarent.*) Hinc et crudelia bella in alterutrum, civitatum desolatio, sigilla januis ecclesiarum impressa, fratrum schismata etc. The words in brackets Raynaldus, *ad ann. 1232* no. 48 and 49, did not find in a Roman MS.; but Germani Epist. ad Cardinales has a passage exactly similar, the integrity of which is confirmed by the silence of Raynald l. c. no. 50. There we find p. 461: Divisio nostrae unitatis processit a tyrannide vestrae oppressionis.

much dreaded crusade of the Latins.¹² Whilst he was already summoning his learned theologians, and Thomas Aquinas was writing his opusculum contra Graecos,¹³ the zeal of the Emperor varied with the degree of his danger. When however Charles of Anjou King of Sicily, allied himself in 1267 with the banisht Emperor Baldwin II., and in 1269, the assault on Michael began: Then he was forced to act in earnest.¹⁴ By persuasion and force he brought his Bishops compliance; and so

et exactionum Romanae Ecclesiae, quae de matre facta noverca, suos. quos diu educaverat, more rapacis volucris suos pullos expellentis, filios elongavit. Quae etiam quanto humiliores et sibi promiores, tanto magis conculcat et habet viliores.—Mentibus autem nostris scrupulum generat offendiculi, quod terrenis tantum inhiantes possessionibus, undecumque potestis abradere, aurum et argentum congregatis, discipulos tamen ejus vos esse dicitis, qui ait: *Aurum et argentum non est mecum.* Regna vobis tributo subjecitis: negotiationibus numisma multiplicatis: actibus dedocetis, quod ore praedicatis.—Multae et magnae gentes sunt, quae nobiscum sapiunt, et nobiscum, qui Graeci sumus, conveniunt in omnibus. Primi, illi qui in prima parte Orientis habitant *Aethiopes*, deinde *Syri*, et alii qui graviores sunt, et magis virtuosius, scil. *Hyberi. Lazi, Alani, Gothi, Chazari*, innumerabilis, plebs *Russiae*, et regnum magnae victoriae *Bulgarorum*. After this follow two letters in answer from the Pope (Gregorius—venerabili fratri Germano, Graecorum Archiepiscopo etc.) in Matth. Paris p. 462 ss.—With regard to the unsuccessful negotiations with the Greeks in Nicaea, undertaken in the following year 1233, by two Dominicans, and two Franciscans. see their account in Raynald. ann. 1233. no. 5. ss.: better given in Quetif et Echard scriptt. ord. Praedicat. i. 911.

¹² Raynald. ann. 1263. no. 22, in particular Urbani iv. epist. ad Palaeologum ibid. no. 23 ss.

¹³ On this see above § 61. note 2.

¹⁴ Compare especially the hist. Michaelis Palaeologi lib. v. c. 8. ss. by the cotemporary writer Georgius Pachymeres. *Πρωτεύδικος* of the Church of Constantinople, in particular cap. 18. the representations of the Emperor to his clergy, in which he assures them, μηδέ χάριν άλλων πραγματούεσθαι τὴν εἰρήνην, ἢ τοῦ δεινοῦς πολέμου ἀνακοπήναι, καὶ Ῥωμαίων αἵματα περιποιηθῆναι ἐκχυθήσεσθαι κινδυνεύοντα. μένειν δὲ καὶ πάλιν τὴν Ἐκκλησίαν ἀκαυνοτόμητον. — τρισὶ δὲ κεφαλαίοις καὶ μόνοις τὸ πρὸς τὴν τῶν Ῥωμαίων Ἐκκλησίαν πραττόμενον περυστήσεσθαι, πρατέω, ἐκκλησίῳ (i. e. appeal to the Pope), καὶ μνημοσύνῳ (mention of him in the Church prayers), ὡν ἕκαστον εἴ τις ἀκριβῶς σκοποίῃ, κενὸν εἶναι ἀνάγκη. πότε γὰρ καὶ παρουσιάσας ὁ Πάπας προκαθίσει τῶν άλλων; πότε δὲ τισι καὶ ἐπέλθοι δίκην ἔχουσι, θάλασσαν τοσαύτην ταμέσθαι, καὶ τόσον ἀνιμετρήσαι πέλαγος, ἐφ' ᾧ τῶν νομιζομένων πρατέων τυχεῖν; τὸ δ' ἐπὶ τῇ ἡμετέρᾳ καὶ μόνῃ Ἐκκλησίᾳ, καὶ δευτέρᾳ τῇ καθ' ἡμᾶς καὶ μεγάλῃ τῶν Ἱσταν μνημονεύεσθαι τοῦ Πατριάρχου λειτουργούντος, τί ἂν τῷ ὀρθῷ προσσταίῃ; πόσαις οἰκονομίαις οἱ Πατέρες πρὸς ὁ, τι γενέσθαι συμφέρον ἐχρήσαντο; κ. τ. λ.

at the Council of Lyons in 1274, there was no occasion for the theologians, Thomas Aquinas and Bonaventura, who had been summoned thither to convince the Greek delegates;¹⁵ for they swore of their own accord to all that was proposed to them. Joseph the contumacious Patriarch of Constantinople, was obliged to give way, and John Bekkos was placed in his see, whom the Emperor by a strict imprisonment had transformed into a zealous advocate for the Latin doctrine.¹⁶ Thus this union, on the side of the Greek Church, was an affair of the court alone: The people regarded it with detestation.¹⁷ Martin IV. at last discovered the artifice, and excommunicated the Emperor (1281):¹⁸ After Michael's death (1282) John Bekkos was driven to take refuge in a monastery, from the anger of the people; and soon after the whole union was revoked in form by Andronicus.¹⁹

§ 96.

HERETICS.

The Paulicians (comp. Part I. § 3 and § 45) who held almost independent sway in the district about Philippopolis, were first

¹⁵ Clement IV. had already submitted to the Emperor a Roman Confession of Faith, which was to be forthwith adopted by the Greeks (Raynald. ann. 1267. no. 72. ss.) Michael repeated this word for word, and assented to it, in the Epist. ad Gregor. X., which his ambassadors delivered at Lyons (in Mansi xxiv. 67), and only added to it: Rogamus Magnitudinem vestram, ut Ecclesia nostra dicat sanctum symbolum, prout dicebat hoc ante schisma usque in hodiernum diem, et quod permaneamus in ritibus nostris, quibus utebamur ante schisma, qui scilicet ritus non sunt contra supradictam fidem etc. cf. Sacramentum Imp. Graecorum l. c. p. 73, Literae Praelatorum Graeciae p. 74, Sacramentum Graecorum p. 77.

¹⁶ His numerous works in favour of the union, and the Roman Church, are publisht in Leonis Allatii Graecia orthodoxa. Tomi ii. Romae 1652. 1659. 4.

¹⁷ Pachymeres de Michaelae Palaeol. lib. v. c. 22.

¹⁸ Pachymeres lib. vi. c. 30: τὰ γὰρ καθ' ἡμᾶς ὡς εἶχον μαθόντες (viz. the Romans) καὶ ὅπερ ἦν ὑποτοπᾶσαντες, χλεύην τὸ γεγονός καὶ οὐκ ἀλήθειαν ἀντικρύς. παρὰ μόνον γὰρ Βασιλέα καὶ Πατριάρχην, καὶ τινὰς τῶν περὶ αὐτοὺς, πάντες ἐδυσμέναινον τῇ εἰρήνῃ. — τέλος δὲ Βασιλέα μὲν καὶ τοὺς ἀμφ' αὐτὸν, ὡς χλευαστὰς — ἀφορισμοῖς καθυπέβαλον. The sentence of excommunication is given in Raynald. ann. 1281. no. 25.

¹⁹ Pachymeres hist. Andronici lib. i. c. 2.

humbled by the Emperor Alexius Comnenus (he reigned from 1081—1118), because they deserted him in his war with the Normans (1081—1085).¹ Afterwards Alexius resided for a time at Philippopolis (1115) in order to bring back the defaulters to the Church, by his eloquence in theology, and the distribution of rewards and punishments.² Over against Philippopolis rose the orthodox Alexiopolis, to receive the penitent with great signs of favour.³ Thus the heresy ceased to prevail in this region: Still its secret continuance and extension, were so much the less hindered, now that a new life was developed therein, by a process of inward leavening. From the Euchetae⁴ rose the Bogomili,⁵ who first made their appearance in the year 1116, when the Emperor Alexius unmaskt their leader Basilius by treachery,⁶ and had him burnt to death.⁷ In their peculiar doctrines and customs, they

¹ Compare Anna Comnena, the daughter of Alexius, in her *Alexias* lib. v. ed. Paris. p. 131. and lib. vi. p. 154. s.

² Anna Comnena lib. xiv. p. 450 s. The pious daughter styles him for this deed *τρισκαιδέκατον ἀπόστολον*.

³ Anna Comnena l. c. p. 456: Πόλεις γὰρ ὅλας καὶ χώρας ταῖς παντοδαπαῖς αἱρέσεσι κεκρατημένας πολυτρόπως εἰς τὴν ἡμετέραν ὀρθόδοξον μετῆνεγκε πίστιν. Τοὺς μὲν τὰ πρῶτα φέροντας μεγάλων ἡξίου προνοιῶν, καὶ τῶν στρατιωτῶν ταῖς λογάσι κατέλεγε· τοὺς δὲ χυδαιότερους συναθροίσας ἅπαντας,—καὶ πόλιν τούτοις δειμάμενος ἀγχοῦ που Φίλιππουπόλεως καὶ πέραν Εὐρου τοῦ ποταμοῦ, ἐκέισε τούτους μετῴκισεν, Ἀλεξίουπόλιν τὴν πόλιν κατονομάσας, ἣ καὶ Νοέκαστρον — ἀποδυσάμενος καὶ τούτοις κἀκείνοις ἀρούρας τε καὶ οἰνόπεδα καὶ οἰκίας καὶ κτήσιν ἀκίνητον.

⁴ See Part 1. § 45. note 5.

⁵ Engelhardt on the Bogomili, in his treatises on Church history, Erlangen 1832, s. 153. Neander's *Kirchengesch.* v. ii. 743.

⁶ The Latins also bear witness to the craft and faithlessness of Alexius. Otto Frising. vii. 10 calls him *Imperatorem perfidissimum*, in Willermi Tyrensis hist. rerum in partibus transmarinis gestarum ii. 5, he is called *vir nequam et subdolos*, and c. 13, *vir subdolos, potens simulare et dissimulare propositum*.

⁷ Anna Comnena lib. xv. p. 486 ss. records the transaction at length, but she passes over the doctrines of the Bogomili, p. 490: Ἡ βουλή μου δὲ καὶ πᾶσαν τὴν τῶν Βογομίλων διηγῆσθαι αἴρουν, ἀλλὰ με κωλῑεῖ καὶ αἰδῶς, ὥς πού φησιν ἡ καλὴ Σαπφώ. ὅτι συγγραφεὺς ἔγωγε γυνὴ καὶ τῆς πορφύρας τὸ τιμωτάτου, καὶ τῶν Ἀλεξίου πρώτιστον βλάστημα. For this reason she refers to the *Panoplia* of Euthymius Zygadenus, which was written at her father's command (see above § 94. note 5.) Euthymius Zygadenus has indeed written more against the Bogomili, e.g. an *Ἐπιστολὴ στηλιτεύουσα σταλεῖσα ἀπὸ Κωνσταντινουπόλεως πρὸς τοὺς ἐν τῇ αὐτοῦ πατρὶδι* (cf. Lambecii comm. de biblioth. Vindob. lib. v. cod. cexxiii. no. 8. p. 38 and cod. cexlviii. no 1. p. 134): another *Ἐπιστολὴ στηλιτεύουσα*

agree so marvellously with the Cathari of the western world,⁸ that the connection of the two parties, for which also there is

(cf. *ibid.* cod. cexlvii. no. 14. p. 122): a Συγγραφή στηλιτευτική (ex cod. Vat. edita in *Anecdotis literariis*, Romae 1783. iv. 27): in fine the "Ελεγχος καὶ Θρίμβος τῆς βλασφημίας καὶ πολυειδοῦς αἵρέσεως τῶν ἀθέων Μασσαλιανῶν, τῶν καὶ Φουνδαϊτῶν καὶ Βογομίλων καλουμένων, καὶ Εἰρηιτῶν, καὶ Ἐνδοουσιαστῶν, καὶ Ἐγκρατητῶν, καὶ Μαρκαωνιστῶν (in Jac. Tollii insignia itinerarii Italici, Trajecti ad Rhen. 1696. 4. p. 106 ss. and in Gallandii bibl. PP. xiv. 293). However the most important work is still Titulus xxiii. of the Panoplia, the Greek original in Jo. Christ. Wolfii historia Bogomilorum, Vitemb. 1712. 4. is dismembered and publisht incomplete, but has been issued by me entire (Euth. Zygad. narratio de Bogomilis, s. Panopliae dogmaticae tit. xxiii., Gotting. 1842. 4.) The credibility of Euthymius in essential points, which J. L. Oederus in prodomo historiae Bogomilorum criticae, Gotting. 1743. 4. (also in Heumanii nova sylloge dissertt. ii. 492) has especially impugned, is cleared up remarkably by the similarity of his Bogomili to the western Cathari.—Euthymius remarks on the title with regard to the name of the party: Βογ μὲν γὰρ ἡ τῶν Βουλγάρων γλῶσσα καλεῖ τὸν θεόν, μίλουι δὲ τὸ ἐλέησον. εἷ δ' ἂν Βογόμιλος κατ' αὐτοὺς ὁ τοῦ θεοῦ τὸν ἔλεον ἐπισπώμενος: The Greeks erroneously connected the name with the word pomilui, in the Slavonian formula Gospodine pomilui, the Lord have mercy on thee: Bogomil is Gottesfreund Theophilus, see my remarks on Euthymius p. 1. Euthymius then begins: Ἡ τῶν Βογομίλων αἵρεσις οὐ πρὸ πολλοῦ συνέστη τῆς καθ' ἡμᾶς γενεάς, μέρος οὐσα τῆς τῶν Μασσαλιανῶν, καὶ συμφερόμενῃ τὰ πολλὰ τοῖς ἐκείνων δόγμασι, τινὰ δὲ καὶ προσεξευραῖσα καὶ τὴν λῆμν αἰξήσασα. Διεγνώσθη δὲ κατὰ τοὺς χρόνους Ἀλεξίου τοῦ θεοκυβερνήτου βασιλέως ἡμῶν, ὅς ἐντέχνως καὶ πᾶν θαυμασιῶς τὸν ἔξαρχον αὐτῆς θηρεύσας. Βασίλειος ἦν οὗτος ὁ ἱατρὸς, ἀνὴρ ἀλέθριος μᾶλλον, καὶ λοιμὸς, καὶ φθορᾶς μεστός, καὶ πάσης κακίας ὄργανον. — Anna Comnena l. c. p. 486. μέγιστον ἐπεγείρεται νέφος αἱρετικῶν, καὶ τὸ τῆς αἵρέσεως εἶδος καινόν, μῆπω πρότερον ἐγνωσμένον, τῇ Ἐκκλησίᾳ. Δύο γὰρ δόγματα συνελθέτην κάκιστα καὶ φανότατα ἐγνωσμένα τοῖς πάλαι χρόνοις, Μανιχαῖον τε ὡς ἂν τις εἴποι δυσσέβεια, ἣν καὶ Πανδικιάνων αἵρεσιν εἴποιμεν, καὶ Μασσαλιανῶν βδελυρία. Τοιοῦτον δὲ ἐστὶ τὸ τῶν Βογομίλων δόγμα, ἐκ Μασσαλιανῶν καὶ Μανιχαίων συγκείμενον, καὶ, ὡς ἔοικεν, ἦν μὲν κἂν τοῖς πρὸ τοῦμυ πατρὸς χρόνοις, ἐλάνθανε δέ. Δεινότατον γὰρ τὸ τῶν Βογομίλων γένος ἀρετὴν ὑποκρίνασθαι. Καὶ τρίχα μὲν κοσμικὴν οὐκ ἂν ἴδοις Βογομιλίζουσαν, κέκρικται δὲ τὸ κακὸν ὑπὸ τὸν μαυρῶν καὶ τὸ κουκούλιον, καὶ ἐσκυθρώπακεν ὁ Βογόμιλος, καὶ μέχρι μῦθος σκέπεται. καὶ κεκυφὼς βαδίζει, καὶ ὑποψιθυρίζει τὸ στόμα, τάνδοθι δὲ λύκος ἐστὶν ἀκάθεκτος.

⁸ Their doctrines are given in Euthymius c. 1: Ἀθετοῦσι πάσας τὰς Μωσαϊκάς βίβλους μετὰ καὶ τοῦ ἐν αὐταῖς ἀναγραφομένου θεοῦ καὶ τῶν εὐαγγελιστῶν αὐτῶ δικαίων, καὶ μὴν καὶ τὰς μετ' αὐτὸς ἀπάσας ὡς κατ' ἐπίτασιν τοῦ Σατανᾶ συγγραφείσας. — Μόνας δὲ παραδέχονται καὶ τιμῶσιν ἑπτὰ. — Λέγω δὴ τὰ ψιλήτηριον, καὶ τὸ ἐξακαδεκαπλήτητον, καὶ τὸ κατὰ Ματθαῖον Εὐαγγέλιον, καὶ τὸ κατὰ Μάρκον, καὶ τὸ κατὰ Λουκᾶν, καὶ τὸ κατὰ Ἰωάννην, καὶ ἔσδομον τὴν βίβλον τῶν πράξεων σὺν ταῖς ἐπιστολαῖς πάσαις καὶ τῇ Ἀποκαλύψει τοῦ θεολόγου Ἰωάννου. — c. 6: Λέγουσι, τὸν Δαίμονα, τὸν παρὰ τοῦ

Σωτήρος ὀνομασθέντα Σατανᾶν, υἱὸν καὶ αὐτὸν εἶναι τοῦ θεοῦ καὶ πατρὸς, ὀνομαζόμενον Σαταναῆλ, καὶ πρῶτον τοῦ υἱοῦ καὶ λόγου, καὶ ἰσχυρότερον, ἅτε πρωτότοκον, ὡς εἶναι τούτους ἀδελφοὺς ἀλλήλων. Εἶναι δὲ τὸν Σαταναῆλ οἰκονόμον καὶ δευτερεύοντα τοῦ Πατρὸς, τὴν αὐτὴν αὐτῷ περικείμενον καὶ μορφήν καὶ στολὴν, καὶ ἐν δεξιᾷ αὐτοῦ καθήμενον ἐπὶ θρόνον, καὶ τῆς μετ' αὐτὸν εἰθίς τιμῆς ἀξιούμενον. 'Υφ' ἧς μεθυσθέντα καὶ εἰς ἀπόνοιαν ἐπαρθέντα μελετήσαι ἀποστασίαν, καὶ ποτε δραξάμενον καιροῦ καθεῖναι πείραν τισι τῶν λειτουργικῶν δυνάμεων, εἰ βούλουτο κουφιζόμενοι τοῦ βάρους τῆς λειτουργίας ἀκολουθήσαι τούτῳ καὶ συγκατεξαναστήναι τοῦ πατρὸς. — Εἰτα τοὺς εἰρημένους ἀγγέλους — συναπαχθῆναι τούτῳ καὶ κοινωνῆσαι τῆς ἐπιβουλῆς, αἰσθόμενοι δὲ ταύτης τὸν θεὸν ῥίψαι τούτους ἄνωθεν ὁμοῦ πάντας. — c. 7: Λέγουσι, τὸν Σαταναῆλ ἄνωθεν ῥιφέντα καὶ μὴ δυνάμενον τοῖς ὕδασι ἐφίῃναι, ἡ γῆ γάρ φησιν ἦν ἀόρατος καὶ ἀκατασκεύαστος, ἐπεὶ περ ἔτι καὶ τὴν θείαν περιέκειτο μορφήν καὶ στολὴν, καὶ τὴν δημιουργικὴν ἐκέκτετο δύναμιν, συγκαλέσαι τὰς συγκαταπεσούσας αὐτῷ δυνάμεις, καὶ θάρσος αὐταῖς ἐμβαλεῖν, καὶ εἰπεῖν· ὡς ἐπεὶ τὸν οὐρανὸν καὶ τὴν γῆν ὁ θεὸς ἐποίησεν (ἐν ἀρχῇ γάρ φησιν ἐποίησεν ὁ θεὸς τὸν οὐρανὸν καὶ τὴν γῆν), ποιῶ καὶ ἐγὼ δεύτερον οὐρανὸν, ὡς ἀγαθὸς θεός, καὶ τὰ ἐξῆς ἀκολουθῶς. So he created the world and mankind; but as he could not endue the latter with souls, διεπρεσβεύσατο πρὸς τὸν ἀγαθὸν Πατέρα, καὶ παρεκάλεσε πεμφθῆναι παρ' αὐτοῦ πνοήν, ἐπαγγελιάμενος κοινὸν εἶναι τὸν ἄνθρωπον, εἰ ζωοποιηθῇ. καὶ ἀπὸ τοῦ γένους αὐτοῦ πληροῦσθαι τοὺς ἐν οὐρανῷ τόπους τῶν ἀπορρίφθεντων Ἀγγέλων. Τὸν δὲ θεὸν, ὡς ἀγαθὸν, ἐπινεύσαι, καὶ ἐμφυσῆσαι τῷ παρὰ τοῦ Σαταναῆλ πλασθέντι πνεῦμα ζωῆς, καὶ γενέσθαι παρ' αὐτῷ τὸν ἄνθρωπον εἰς ψυχὴν ζῶσαν. Satanael thereupon with Eve begot Cain and one daughter, Καλωμένα, Adam begot Abel, etc. c. 8: Λέγουσιν, ὅτι τῶν ἀνθρώπων πικρῶς τυραννουμένων, καὶ ἀπηνῶς ἀπολλυμένων, μόγις ὁλίγους τινὲς τῆς τοῦ πατρὸς μερίδος ἐγένοντο, καὶ εἰς τὴν τῶν Ἀγγέλων τάξιν ἀνέβησαν. Τούτους δὲ εἶναι τοὺς ἐν ταῖς γενεαλογίαις τούτῳ κατὰ Ματθαῖον Εὐαγγελίου, καὶ τοῦ κατὰ Λουκᾶν μνημονομένου. Ὅψέ ποτε δὲ συνήκε κατασοφισθεῖς ὁ Πατὴρ, καὶ ἀδικεῖσθαι γνοῦς, — καὶ αἶα κατελέησας τὴν ψυχὴν, τὸ ἴδιον ἐμφύσημα, πάσχοῦσαν οὕτως ἀθλίως καὶ καταδυναστευομένην, διαναστῆναι πρὸς ἄμυναν, καὶ ἐν τῷ πεντακισχιλιοστῷ πεντακοσιοστῷ ἔτει (according to the Constantinopolitan era, Ideler's Chronol. ii. 463) ἐξερεύξασθαι τῆς ἑαυτοῦ καρδίας λόγον, τοῦτον δὲ τὸν υἱὸν καὶ θεόν. — Κατελθεῖν δὲ ἄνωθεν καὶ εἰσρῆναι διὰ τοῦ δεξιοῦ ὠτός τῆς παρθένου, καὶ περιθέσθαι σάρκα τῷ φαινομένῳ μὲν ὑλικὴν καὶ ὁμοίαν ἀνθρώπου σώματι, τῇ δ' ἀληθείᾳ αἶλλον καὶ θεοπρεπῇ, καὶ ἐξελθεῖν αὖθις, ὅθεν εἰσῆλθε, τῆς παρθένου μήτε τὴν εἰσοδὸν αὐτοῦ γνῶσις μήτε τὴν ἔξοδον, ἀλλ' ἀπλῶς εἰρούσης αὐτὸν ἐν τῷ σπηλαίῳ κείμενον ἐσπαργανωμένον. Καὶ τελῆσαι τὴν ἔνσαρκον οἰκονομίαν, καὶ ποιῆσαι καὶ διδάξαι τὰ ἐν τοῖς Εὐαγγελλίοις ἀναταττόμενα, πλὴν ἐν φαιτασίᾳ τοῖς ἀνθρωποπρεπέσιν ὑποκείμενον πάθει, σταυρωθέντα δὲ καὶ ἀποθανεῖν, καὶ ἀναστήναι, δόξαντα λῦσαι τὴν σκηνὴν καὶ γυμνώσαι τὸ δρᾶμα, καὶ ἀποδόμενον τὸ προσωπεῖον συσχεῖν τὸν ἀποστάτην, καὶ παχεῖ καὶ βαρεῖ κλοιῷ καταδύσκει καὶ ἐγκλείσαι τῷ ταρτάρῳ, περιελόντα καὶ ἐκ τοῦ ὀνόματος αὐτοῦ τὸ ἥλ ὡς ἀγγελικὸν (Σαταναῆλ γὰρ καλούμενον Σατανᾶν ἀφήκεν ὀνομάζεσθαι), καὶ λοιπὸν πληρώσαντα τὴν ἐγχειρισθείσαν διακονίαν ἀναδραμεῖν εἰς τὸν Πατέρα, καὶ καθῆναι ἐν δεξιᾷ εἰς τὸν θρόνον τοῦ ἀπορρίφεντος Σαταναῆλ, εἰτα εἰσελθεῖν, ὅθεν ἐξῆλθε, καὶ ἀναλυθῆναι πάλιν εἰς τὸν Πατέρα, εἰς ὃν ἐν ἀρχῇ ἦν. τῇ γαστρὶ τούτου συγκεκλεισμένος. — c. 9: Λέγουσι, τοῖς ἀποπεσόντας Ἀγγέλους, ἀκούσαντας, ὅτι ὁ Σαταναῆλ ἐπέσχετο τῷ Πατρὶ, πληροῦσθαι τοῖς ἐν οὐρανῷ τόπους αὐτῶν ἀπὸ τοῦ γένους τῶν ἀνθρώπων, ἰδεῖν ἀσελγῶς τὰς θυγατέρας τῶν ἀνθρώ-

πων, καὶ λαβεῖν αὐτὰς εἰς γυναῖκας, ἵνα τὰ σπέρματα αὐτῶν εἰς τὸν οὐρανὸν ἀνέλθωσιν, εἰς τοὺς τόπους τῶν πατέρων αὐτῶν. Ἰδόντες γάρ, φασιν, οἱ υἱοὶ τοῦ θεοῦ τὰς θυγατέρας τῶν ἀνθρώπων, ὅτι καλαὶ εἰσιν, ἔλαβον ἑαυτοῖς γυναῖκας. Υἱοὺς δὲ τοῦ θεοῦ τούτους ὀνομάζουσιν. ὡς καὶ αὐτοὺς ἀπ' ἐκείνου γεγονότας. Ἐκ δὲ τῆς συνουσίας αὐτῶν ἀπογεννηθῆναι τοὺς Γιγάντας, οὓς ἀντιστῆναι τῷ Σατανᾷ, καὶ θριαμβεύσαι τοῖς ἀνθρώποις τὴν ἀποστασίαν αὐτοῦ. Τὸν δὲ θυμωθέντα ἐπαγαγεῖν αὐτοῖς τὸν κατακλίσμον, καὶ διαφθεῖραι σὺν αὐτοῖς πᾶσαν ζῶσαν σάρκα. Μόνον δὲ τὸν Νῶε θυγάτερα μὴ κεκτημένον ἀγνοῆσαι τὴν ἀποστασίαν τοῦ Σατανᾷ καὶ διαμεῖναι θεραπεύοντα τοῦτον, οὗ τῇ λατρείᾳ τὸν Σατανᾷ ἀρεσκόμενον ὑποθέσθαι τὰ περὶ τῆς κωζοῦ καὶ διασώσαι τοῦτον μόνον μετὰ τῶν ἐν αὐτῇ. — c. 11: Τοὺς Ἱεράρχας δὲ καὶ τοὺς Πατέρας ὁμοῦ πάντας ἀποδοκιμάζουσιν ὡς εἰδωολάτρας, διὰ τὴν τῶν εἰκόνων προσκύνησιν, καὶ τοὺς μὲν εἰσεβείς ἅπαντας βασιλεῖς ἀλλοτριοῖσι τοῦ κλήρου τῶν Χριστιανῶν, μόνους δὲ καλοῦσιν ὀρθοδόξους καὶ πιστοὺς τοὺς εἰκονομάχους, καὶ μάλιστα τὸν Κοπρώνυμον. Ἀτιμάζουσι γάρ καὶ τὰς σεβασμίους εἰκόνας, τὰ εἰδῶλα λέγοντες τῶν ἐθνῶν, ἀργύριον καὶ χρυσίον, ἔργα χειρῶν ἀνθρώπων. — c. 13: Λέγουσιν, ἀπ' αὐτῶν μὲν μόνον, ἥτοι τῶν Βογομίλων, φεύγειν αἰεὶ τοὺς δαίμονας, ὥστε τόξου βολὴν, ἐκυστῶ δὲ τῶν ἄλλων ἀπάντων ἐνοικεῖν δαίμονα, καὶ διδάσκειν αὐτὸν τὰ πονηρὰ. καὶ ἄγειν ἐπὶ τὰς ἀνοσιουργίας, καὶ ἀποθνήσκοντος ἐνοικεῖν αὐθις τοῖς λειψάνοις αὐτοῦ, καὶ παραμένειν τῷ τάφῳ, καὶ ἀναμένειν τὴν ἀνάστασιν, ἵνα σὺν αὐτῷ κολασθῇ, καὶ μὴδ' ἐν κολάσει τούτου διαχωρίζοιτο. — c. 14: Ἀτιμάζουσι τὸν θεῖον σταυρὸν, ὡς ἀναιρέτην τοῦ Σωτῆρος. — c. 16: Τὸ μὲν παρ' ἡμῖν βάπτισμα τοῦ Ἰωάννου λέγουσιν, ὡς δι' ὕδατος ἐπιτελούμενον, τὸ δὲ παρ' αὐτοῖς τοῦ Χριστοῦ διὰ πνεύματος, ὡς αὐτοῖς δοκεῖ, τελούμενον. Διὸ καὶ τὸν προσερχόμενον αὐτοῖς ἀναβαπτίζουσιν, πρῶτα μὲν ἀφορίζοντες αὐτῷ καιρὸν εἰς ἐξομολόγησιν, καὶ ἄγνεϊν καὶ σύντονον προσευχὴν. Εἶτα τῇ κεφαλῇ αὐτοῦ τὸ κατὰ Ἰωάννην Εὐαγγέλιον ἐπιτίθεντες, καὶ τὸ παρ' αὐτοῖς ἅγιον πνεῦμα ἐπικαλοῦμενοι, καὶ τὸ Πάτερ ἡμῶν ἐπάδοντες. Μετὰ δὲ τὸ τοιοῦτον βάπτισμα καιρὸν αὐθις ἀποκληροῦσιν εἰς ἀκριβεστέραν ἀγωγὴν καὶ πολιτείαν ἐγκρατέστεραν καὶ καθαρωτέραν προσευχῇ. Εἶτα μαρτυρίαν ἀπαιτοῖσιν, εἰ ἐφύλαξε πάντα, εἰ σπουδαίως διηγήσιν. Καὶ μαρτυρούντων ἀνδρῶν ὁμοῦ καὶ γυναικῶν ἄγοντι αὐτὸν ἐπὶ τὴν θρυλλομένην τελείωσιν, καὶ στήσαντες τὸν ἄθλιον κατὰ ἀνατολὰς ἐπιτιθέασιν αὐθις τῇ μιαρᾷ τούτου κέφαλῃ τὸ Εὐαγγέλιον, καὶ τὰς ἐταγείς αὐτῶν ἐπέχοντες χεῖρας οἱ παρτυχόντες ἄνδρες καὶ γυναῖκες τὴν ἀνύσιον ἐπᾶδωσι τελετῇ. — c. 17: Ἀτιμάζουσι τὴν μυστικὴν καὶ φρικτὴν ἱερουργίαν, καὶ τὴν τοῦ δεσποτικοῦ σύματος καὶ αἵματος ἁγίαν μετάληψιν, θυσίαν τῶν ἐνοικοῦντων τοῖς ναοῖς δαιμόνων ταύτην ἀποκαλοῦντες. — c. 18: Λέγουσιν, ἐν πᾶσι τοῖς ἱεροῖς ναοῖς κατοικεῖν τοὺς δαίμονας, διαλαχύντας αὐτοὺς ἀναλόγως τῆς ἐκύστου τάξεως καὶ δυνάμεως. Τὸν μέντοι Σατανᾶ παλαι μὲν ἀποκληρώσαι ἐαυτῷ τὸν πολυθρύλλητον ἐν Ἱεροσολύμοις ναόν, μετὰ δὲ τὴν ἐκείνου καταστροφὴν ἐξιδιώσασθαι τὸν ἐν τῇ βασιλίδι ταύτῃ τῶν πόλεων ὑπερφερῇ καὶ περιώνυμον τῆς τοῦ θεοῦ Σοφίας οἶκον. Οὗ γὰρ ὁ ὕψιστός, φασιν, ἐν χειροποιήτοις ναοῖς κατοικεῖ, τὸν οὐρανὸν ἔχων κατοικητήριον. — c. 19: Μόνην ὀνομάζουσι προσευχὴν τὴν ὑπὸ τοῦ Κυρίου παραδοθείσαν ἐν τοῖς Εὐαγγελίοις, ἥ γουν τὸ Πάτερ ἡμῶν, καὶ ταύτην μόνην προσεύχονται, ἐπτάκις μὲν τῆς ἡμέρας. πεντάκις δὲ τῆς νυκτός (they omit the doxology in use among the Greeks at the end of the Lord's Prayer, as the Latins do, see J. Tollii insignia itinerarii Italici, p. 118). — Τὰς δ' ἄλλας πᾶσας προσευχὰς ἀτιμάζουσι, βαττολογίας αὐτὰς ἀποκαλοῦντες, καὶ τῆς ἐθνικῆς μερίδος. — c. 20: Ἐλεγεν ὁ τῆς αἰρέσεως αὐτῶν ἐξαρχος, ἐγγεγραφῆναι τοῖς Εὐαγγέλοις αὐτῶν φωνὴν τοῦ Κυρίου λέγουσαν· τιμᾶτε τὰ δαιμόνια,

historical testimony,⁹ cannot fail to be recognized. Even after their master's death the Bogomili maintained their ground in the Greek empire, especially in the region of Philippopolis.¹⁰

οὐχ ἵνα ὠφεληθῇτε παρ' αὐτῶν, ἀλλ' ἵνα μὴ βλάψωσιν ὑμᾶς. (Just so the Slavonians dedicated the goblet to the good and the evil God, see Hel-moldi chron. Slav. i. 52. Compare my remarks in the theol. Studien u. Kritiken 1837. ii. 359. 365).—c. 21: "Ἐτι προσεγγεγράφθαι καὶ ταύτην ἔλεγε τοῦ Κυρίου φωνήν· τρώφω σώθητε, τούτέστι μετὰ μηχανῆς καὶ ἀπίτης, ὑποκρινόμενοι τὴν πίστιν τῶν ἀναγκαζόντων ὑμᾶς. — c. 22: Λέγουσι τοὺς τῆς πίστεως αὐτῶν, ὅσοις ἐνοικήσει τὸ παρ' αὐτοῖς ἅγιον πνεῦμα, πάντας θεοτόκους καὶ εἶναι καὶ ὀνομάζεσθαι, βασιτάσαντας καὶ αὐτοὺς τοῦ λόγον τοῦ θεοῦ, καὶ γεννήσαντας αὐτὸν διὰ τοῦ διδάσκειν ἐτέρους, καὶ μηδὲν πλέον αὐτῶν ἔχειν τὴν πρώτην θεοτόκον. — Λέγουσι τοὺς τοιοῦτους μὴ ἀποθνήσκειν. ἀλλὰ μεθίστασθαι, καθάπερ ἐν ὕπνῳ, τὸ πηλινὸν τοῦτι καὶ σαρκινὸν περιβόλαιον ἀπένως ἐκδυομένους, καὶ τὴν ἄφθαρτον καὶ θείαν τοῦ Χριστοῦ στολὴν ἐνδυομένους, καὶ γινωμένους συσσωμούς καὶ συμμόρφους αὐτοῦ, μεθισταμένους διὰ προσιπτῆς Ἀγγέλων καὶ Ἀποστόλων εἰς τὴν βασιλείαν τοῦ Πατρὸς, τὸ δ' ἀποδυθὲν σῶμα τούτων εἰς τέφραν καὶ κόνιν διαλύεσθαι, μηκέτι μηδ' ἀνίσταμενον. — c. 23: Λέγουσιν, οὐκ ὄντα μόνον πολλάκις, ἀλλὰ καὶ ὕπαρ βλέπειν τὸν Πατέρα μὲν ὡς γέροντα βαθυγένειον, τὸν δὲ Υἱὸν ὡς ὑψηλὴν ἀνδρα, τὸ δὲ Πνεῦμα τὸ ἅγιον ὡς λειοπρόσωπον νεανίαν. — c. 24: Στολίζονται κατὰ Μοναχοῦς, in order to obtain easier acceptance. c. 25: Πάσης ἐβδομάδος δευτέραν καὶ τετραδὰ καὶ παρασκευὴν παραγγέλλουσι νηστεύειν ἕως ὥρας ἐννάτης. c. 27 ss. on their allegorical interpretation of Holy Scripture. They asserted. c. 37: μετέιναι πολιτείαν ἀκριβεστέραν τε καὶ καθαρωτέραν, ἀπεχομένους κρεωφαγίας, καὶ τυροῦ, καὶ ὠοῦ, καὶ γάμου, καὶ τῶν τοιούτων.

⁹ See above § 87 note 11 (Evervin), § 90 note 20 (Rainerius), note 23 (Pseudoevang. Jo.), note 26 (Conradus Portuensis).

¹⁰ Anna Comnena l. c. p. 490: ἐνεβόθυε τὸ κακὸν καὶ εἰς οἰκίας μέγιστας, καὶ πολλοῦ πλήθους ἤφατο τὸ δεινόν. Euthymii Victoria de Massalianis in Tollius l. c. p. 112: ἡ πολυνύμμος τῶν Μασσιλιανῶν, εἶπουν Βογομιλῶν αἵρεσις ἐν πάσῃ πόλει, καὶ χώρα, καὶ ἐπαρχία ἐπιπολάζει τανῦν.—In the year 1140 a Synod at Constantinople condemned to the flames συγγράμματα τινὰ τοῦ τὸν βίον ἥδη καταλιπόντος Κωνσταντίνου τοῦ Χριστομάλου, in which it found πλέον τῶν ἄλλων Ἐνθουσιαστῶν καὶ Βογομιλῶν, and punisht the monks who had them in their possession (the Sententia Synodi in Allatius de Eccl. occid. et orient. perp. cons. p. 644. Mansi xxi. 551):—In the year 1143 two Cappadocian Bishops, Clemens and Leontius, were deposed as Bogomili, by a Synod at Constantinople (the Sententia in Allatius l. c. p. 671. Mansi xxi. 583): about the same time, and for the same reason, the Monk Niphon was sentenced to imprisonment (Joh. Cinnami hist. lib. ii. c. 10. Allatius l. c. p. 678.) About 1180, writes Theod. Balsamon schol. in Photii nomocan. tit. x. c. 8. (Voelii et Justellii bibl. juris can. vet. ii. 1042): ἀπὸ τούτων (αἵρετικῶν) ὡς ἔοικεν ἀέραια κάστρα τε καὶ χωρία Βογομιλικά παραχωροῦμεν πλανᾶσθαι, καὶ μετὰ τῆς ἰδίας ἀποθνήσκειν αἵρεσεως. ἕνα δὲ καὶ τυχόντα τοιούτων αἵρετικῶν εἰσίσκουτες ἐν τῇ βασιλευσῇ διατρίβοντα μεγάλως αὐτὸν κολάζομεν.—Geoffroy de Ville-Hardouin, sharer and historian of the conquest of Constantinople by the Latins, says, no. 208 (Collection des mémoires relatifs à l'histoire de

The divisions which rose during the 12th century in the Russian Church on account of certain trifling ecclesiastical customs,¹¹ show plainly enough the degraded state of Christianity in Russia at this time.

France par M. Petitot. Tome i. Paris 1819, p. 385), that a part of the inhabitants of Philippopolis were Popolicani.—Still later the Patriarch Germanus (see above § 95. note 11) attacked the Bogimili in the *Oratio in exaltationem venerandae Crucis contra Bogomilos* (græce et lat. in Jac. Gretseri comm. de Cruce. ii. 157), and in the *Orat. pro imaginum restitutione* (l. c. p. 549 ss.)

¹¹ See Strahl in the *Kirchen. Archiv.* 1824 ii. 48, reprinted in his *Beiträgen zur russ. Kirchengeschichte.* i. 252.

SECOND APPENDIX.

HISTORY OF THE REMAINING ORIENTAL CHURCHES.

§ 97.

The principal Theological writers among the Jacobites of this age, were Dionysius Bar-Salibi,¹ Bishop of Amida, † 1171, and the Historian Gregorius Abulpharagius, or Barhebraeus,² after 1264 Maphrian or Primas Orientis, † 1286: Among the Nestorians Ebedjesus,³ after 1290 Metropolitan of Soba (Nisibis), † 1318. Among the Armenians in whose literary history the 12th century is a distinguisht epoch,⁴ Nerses Kłajetsi i.e. the

¹ His principal work was a commentary on the whole Bible. Besides this there are doctrinal treatises de Deo, de Trinitate etc. Apologies against Mahometans, Jews, Nestorians and Greeks; comm. in liturgiam s. Jacobi in defence against the Latins (publisht in Renaudotii liturg. orient. ii. 449. cf. Ejusd. hist. Patriarch. Alexandrinorum p. 479.)—Assemani bibl. orient. ii. 156.

² He is especially valuable as a Historian, (his *Chronicon Syriacum* edd. Bruns et Kirsch. Lips. 1789. 2 voll. 4. His *Arabic Historia compendiosa dynastiarum* ed. Ed. Pococke. Oxon 1663. 2 voll. 4. is an abstract compiled from the first part of that Chronicle or State-History.) Besides he was celebrated as a Theologian, Physician, and Philosopher. Among his theological works should be mentioned the *Horreum mysteriorum*, a collection of explanations of Holy Scripture: *Candelabrum Sanctorum de fundamentis ecclesiasticis*, a doctrinal treatise; *Liber directionum*, s. epitome ecclesiasticorum canonum et legum saecularium (given in Latin in Ang. Maji scriptt. vett. nova coll. x. ii. 1.) On his life and works see Assemani ii. 244.

³ With regard to his works (Commentaries on Scripture, doctrinal and polemical treatises, poems, homilies) see Assemani III., i. 325. These have been publisht, *Catalogus librorum omnium ecclesiasticorum* in Assemani III., i. 3, *Collectio canonum* in Maji scriptt. vett. nova coll. x. i., 1, *Liber margaritae de veritate christ. relig.* in Majus X., ii. 317.

⁴ See C. F. Neumann's *Gesch. der armen. Literatur* (Leipzig 1836) s. 148.

Klajenser (Catholicos from 1166, † 1173) takes a prominent place as a theologian and spiritual orator.⁵

Although controversial questions did not disappear from their writings,⁶ yet common opposition to the Mahometans, the common oppression which they underwent, and the strict prohibition of all disputes on matters of faith by the Mahometans, brought out from time to time a more friendly state of feeling towards each other, than had ever been known in earlier ages.⁷

The Armenian kings, the only native Christian princes in the East, were compelled from their situation, threatened continually by the Mahometans, to wish for an union of Churches, by which

⁵ Nierses Klajetsi und dessen Gebete, von D. G. Mohnike, in Illgen's Zeitschr. f. d. hist. Theol. I. ii. 67. Nersesis opera arm. et lat. ed. F. Cappelletti. Venet. S. Lazaro 1833. 2 voll. 8.

⁶ Both sects naturally claimed to have kept unchanged the doctrine delivered by the Apostles. Thus Ignatius David, after 1222 Patriarch of the Jacobites, had stated in a letter to Said the Nestorian deacon, that the Nestorians created a new sect. In answer to this Jesujab, Nestorian Bishop of Nisibis, composed an apology (Assemani III. i. 297): The name Nestorians was not given to the Orientals till a later period: fides tamen et apostolica religio antiquissima nobis est jam inde ab aevo Apostolorum, qui Orientem docuerunt, nec ab ullo unquam mutata. Idque ex eo probatur, quod nemo ex iis, qui christiana religione censentur, haeresim ullam in Oriente excogitavit. Nestorius had agreed with the Orientals in their doctrine, only so far as Cyril misrepresented it. Thus also says Ebedjesu lib. margar. in Majus X. ii. 354; further still he adds, that the Orientals were erroneously called Nestorians: Nestorius eos sequutus est, non ipsi Nestorium. On the other hand the Jacobite, James Bishop of Tagrit, about 1230, in his liber thesaurorum, a doctrinal treatise (Assemani ii. 240), states of his Church, esse vere ac proprie domum Domini et tabernaculum Dei Jacob, quae nomen ex Jacob ducit. Nam a Jacob quidem Patriarcha per lapidem et oleum in monte praesignata est, a Jacobo vero fratre Domini fundata et confirmata, a Jacobo demum Phasiltae (Baradai, see vol. 1. Part 2. §. 112) renovata et exornata.

⁷ Gregorius Abulpharagius seems to have attacht no great importance to the difference of parties, which were only at issue with regard to the union of the natures in Christ. In his Candelabrum Sanctorum (in Assemani ii. 291) after taking notice of the absurdissimas haereses, quae naturas (Christi) corrumpunt, et christiano dogmati ethnicae opiniones miscent, he says: Reliquae vero, quae hodie in mundo obtinent sectae (Latins, Greeks, Jacobites, Nestorians, and Monothelites), cum omnes de trinitate et incolumitate naturarum, ex quibus est Christus absque conversione et commistione, aequae bene sentiant, in nominibus unionis solum secum pugnant. When the Jacobite Maphrian Ignatius died at Tripolis in 1258, even the Latin clergy took part in the funeral

the aid of powerful Christian kingdoms was held out in prospect.⁸ Thus the Armenians by turns declared their submission to the Roman see, and negotiated for union with the Greek Church;⁹ until the Armenian Church appears to have been brought into complete subjection to the Roman, in the year 1292, by means of King Hethum (Haiton) II.¹⁰ However, this union also was

(Assem. ii. 291.) Gregorius Abulpharagius, the newly elected Maphrian in 1264, was solemnly welcomed to Bagdad by a deputation from the Nestorian Catholics, and the Nestorians besought his Church, until the indignation of the Catholicos was roused thereby, that the Jacobites would call their Maphrian Catholicos also in their parchments (Assem. ii. 249.) When Abulpharagius died at Maraga in 1286, according to the account of his brother, the Nestorians, with their Catholicos at their head, the Armenians and Greeks took part in his funeral, and celebrated his exequies one after another with the Jacobites (Assem. ii. 266.)

⁸ Clem. Galani (a Theatine monk, who lived long as a missionary in Armenia) *hist. Armena ecclesiastica et politica*, Colon. 1686.

⁹ In the year 1145 Armenian ambassadors came to the Pope, and the western princes, who endeavoured, by false representations, to gain consideration for themselves, and to flatter the Pope. Otto Frising. *chron. lib. vii. c. 32.*—In the year 1170, the Greek Emperor Manuel Comnenus, sent the philosopher Theorianus to Nerses the Armenian Patriarch, to effect an union of the Greek and Armenian churches (*Legatio Imp. Caesaris Manuelis Comneniad Armenios, s. Theoriani cum Catholico disputatio* ed. Leunclavius, Basil. 1578. To this also belong the letters of the Emperor and the Catholicos in Maji scriptt. vett. nova coll. vi. 314.) A second mission of the same Theorianus followed in 1172 (the Acts are in Majus l. c. p. 338.) At the Council of Rom-Kla (*Consilium Tarsense* 1179) the union, after being especially recommended by the remarkable speech of Narses of Lampron, Archbishop of Tarsus (translated by C. F. Neumann in Illgen's *Zeitschr. f. d. Hist. Theol.* IV. ii. 123), was resolved on by the Armenians. However, the death of the Emperor Manuel, which ensued in 1180, and the disturbances which followed it, hindered the accomplishment of the design.—On the other hand King Leo the Great desired to unite himself with the Roman Empire and the Roman Church; he received from the Emperor Henry VI. the rank of King (*Notices et extr. xi. 19*), he was crowned by Conrad, Archbishop of Mayence in 1199, he and his Catholicos engaged to bring the Armenian Church into subjection to the Pope, and he recognized his spiritual jurisdiction (*Innocent. III. lib. ii. ep. 217—220. 252—256. Hurter's Innocenz III. i. 285.*)—Gregory IX. sent the pallium to the Catholicos (Raynald 1239 no. 83.) In the year 1240 Germanus II. Patriarch of Constantinople, commenced a fresh correspondence from Nicaea with the Catholicos, which lasted till 1248, but remained without result (*Spicilegium Rom. x. ii. 442.*)

¹⁰ He became a Franciscan, deposed the Catholicos Constantine II.,

only the work of a party at court; it was regarded with aversion by the people; and brought no change into the doctrine and internal constitution of the Church. The Maronites, on the contrary, who had gone over to the Roman Church in 1182¹¹ remained always faithful to her.

The Nestorians and Jacobites behaved in a courteous and yielding manner towards the powerful Latins, they did not hesitate even to acknowledge the primacy of the Roman Patriarch among Bishops. However both some of their expressions in 1237 were misunderstood by the Dominicans in Jerusalem,¹²

and appointed Stephen IV., who summoned a Council to Sis in 1292. But its resolution to celebrate Easter on the same day with the Roman Church, was not observed by the clergy (Galanus p. 374. Saint-Martin in the *Biographie univ.* xix. 530.) At the Synod of Sis, in the year 1307 (the acts are in Galanus p. 426) the union was seemingly accepted by the Armenians.

¹¹ Compare vol. i. Part 2. § 130. Willehnus Tyrensis Archiep. lib. xxii. c. 8 (in Bongars p. 1022): Interea dum Regnum pace, ut praediximus, gauderet temporali, natio quaedam Syrorum, in Phoenice provincia circa juga Libani, juxta urbem Bibliensium habitans plurimam circa sui statum passa est mutationem. Nam cum per annos paene quingentos cujusdam *Maronis* haeresiarchae errore fuissent secuti, ita ut ab eo dicerentur *Maronitae*, et ab Ecclesia fidelium sequestrati, seorsum sacramenta conficerent sua, divina inspiratione ad cor redeuntes, languore deposito, ad Patriarcham Antiochenum Aimericum, qui tertius Latinorum nunc eidem praecet Ecclesiae, accesserunt: et abjurato errore, quo diu periculose nimis detenti fuerant, ad unitatem Ecclesiae catholicae reversi sunt, fidem orthodoxam suscipientes, parati Romanae Ecclesiae traditiones cum omni veneratione amplecti et observare. Erat autem hujus populi turba non modica, sed quasi quadraginta millium dicebatur excedere quantitatem, qui per Bibliensem, Botriensem et Tripolitanum episcopatus, juga Libani et montis derexa, ut praediximus, inhabitabant: erantque viri fortes, et in armis strenui, nostris, in majoribus negotiis, quae cum hostibus habebant frequentissime, valde utiles: unde et de eorum conversione ad fidei sinceritatem maxima nostris accessit laetitia. Maronis autem error et sequacium ejus est et fuit, sicut ex sexta Synodo legitur, quae contra eos collecta esse dinoscitur, et in qua damnationis sententiam pertulerunt, quod in Domino nostro Jesu Christo una tantum sit et fuerit ab initio et voluntas et operatio. Cui articulo ab Orthodoxorum Ecclesia reprobato multa alia perniciose nimis, postquam a coetu fidelium segregati sunt, adjecerunt: super quibus omnibus ducti poenitudine, ad Ecclesiam, ut praediximus, redierunt catholicam, una cum Patriarcha suo et Episcopis nonnullis, qui eos sicut prius in impietate praecesserant, ita ad veritatem redeuntibus pium ducatum praestiterunt.

¹² The Prior of the Dominicans in Jerusalem informed Gregory IX. (in Alberici chron. p. 562 and in Matthaeus Paris p. 301., that the

and the letters with which the Nestorian Vicarius Orientis Rabban Ara,¹³ and three Jacobite Bishops in the year 1247¹⁴ answered the invitation of Pope Innocent IV. to union, were

Maphrian of the Jacobites, with a great number of his clergy, came to Jerusalem for Easter 1237, and was there induced by him, ut obedientiam s. Romanae Ecclesiae promitteret et juraret, omnem haeresim pariter abjurando: et confessionem et confederationem suam nobis tradidit literis chaldaicis et arabicis testimonium sempiternum: adhuc et habitum nostrum recepit in recessu: Similar promises were also obtained by him from the Patriarchs of the Nestorians and Copts. Gregory IX. thereupon sent a letter of praise to the Maphrian (in d. neuen Beiträgen v. alten u. neuen theol. Sachen, 1758, s. 147.) This must have been the Maphrian Dionysius, of whom however Assemani bibl. orient. ii. 449, had nothing of the kind to record from oriental sources. The Dominican was undoubtedly deceived by the Maphrian's recognition of the Roman primacy—by his developing his doctrine in an entirely different manner from the view which the Latins took of Monophysitism,—and by his making concessions while he was in Jerusalem, and thus in the power of the Latin Christians.

¹³ See Raynald. ann. 1247. no. 32. He sent at the same time a confession of faith composed by the Archbishop of Nisibis, ibid. no. 43. Here indeed it is said: *Maria virgo peperit perfectum Deum, et perfectum hominem, Filium unum, qui est Dominus Jesus: et haec unio non fuit accidentalis, possibilis separari, sed permanens et perpetua.* But below: *cum dicitur, Maria peperit Deum, existimabit forte insipiens, quod ipsa peperit aut sanctam Trinitatem, aut Patrem, aut Spiritum sanctum, nisi exponatur: Deum Filium unum.* Cum igitur indigeat expositione, et Deus Filius unius ipse sit Christus, sub uno vocabulo erit, cum dicimus: *Maria peperit Christum;* verbum unum breviter comprehendens divinitatem et humanitatem.

¹⁴ The first was that of the Patriarch Ignatius in Raynald. ann. 1247 no. 36, the second of another Patriarch Ignatius ibid. no. 39, the third of a Primate John ibid. no. 41. Raynald could only pronounce them orthodox, because he did not find in them that monophysitism, which the ancient Catholic controvertialists represent, and which is quite different from the actual state of monophysitism. Compare in the first letter: *Christus est perfectus Deus et perfectus homo, sine mixtione, sine confusione: et ipse est unus Deus, unus Christus, una persona, sicut dicit Athanasius et Cyrillus; quod Deo Verbo est una natura incarnata* (see vol. i. Part 2. § 88. note 3.) *Et propter hoc confitemur, quod Maria est mater Dei in veritate, quia ipsa peperit Deum incarnatum, qui natus est,—et passus est et mortuus secundum carnem, et resurrexit tertia die: et cum impleret divina, erat in veritate perfectus Deus et perfectus homo, et iterum cum operaretur humana, erat perfectus Deus et perfectus homo, unus post unionem. Non recipimus igitur eos, qui confitentur dualitatem divisam unitatis, nec iterum eos, qui confitentur mixtionem et confusionem, sicut Eutyches excommunicatus.* In the second letter: *Et ipse in veritate est perfectus Deus*

misinterpreted by those who thought to find in them promises of obedience to the Roman Sec.

et perfectus homo, unus Christus *ex* duabus naturis, divina et humana. In the third : Una persona, una substantia *ex* duabus substantiis, non quod divinitas conversa sit in humanitatem, aut humanitas in divinitatem ; nec quod composita sit ex iis duabus substantiis substantia tertia : sed est unita secundum normam unionis vite, non accidentalis. *Et licet unio excludat dualitatem, tamen indicia duarum naturarum et proprietates earum permanent in ipso, et discernuntur solo intellectu.* Et non attribuius miracula et opera magnifica divinitati abstractae ab humanitate, nec attribuius naturalia, et opera infirma humanitati abstractae a divinitate : sed dicimus, quod fecit miracula ex virtute divinitatis, et gustavit passionem et mortem voluntariam, quia natura humanitatis : et ipse tamen unus Filius Dei et hominis. Compare the explanations of the antient Monophysites, vol. i. Part 2. § 110. note 3.

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